

# Trade in endangered animal species within the EU

This information is a summary of existing laws and regulations and is therefore not legally binding.

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## SUMMARY

The main rule is that within the EU, it is not permitted to sell, display, advertise or perform any other form of so called commercial activities regarding live animals or animal products of the highly endangered species listed in Annex A. This prohibition applies both to animals born or raised in captivity and to wild animals. In addition, the prohibition also comprises Annex B species that have not been acquired or brought to the EU in a legal way.

In Sweden, applications for exceptions to the prohibition are considered by the Board of Agriculture in consultation with the National Environmental Protection Agency. If an exception is granted, the Board of Agriculture will issue a so called "CITES<sup>1)</sup> certificate for approved commercial activities". For trade within the EU, this certificate is necessary and a proof that the specimen was legally acquired.

If, in addition, the animal or the animal product is to be brought to Sweden, it may also be necessary to obtain a veterinary import permit according to Swedish rules on disease control. Such permits are applied for at the Board of Agriculture. The Division for CITES and Pet Animals handles live animals, and the Division for Feed and Animal Products handles products.

## WHAT SPECIES DOES THIS APPLY TO?

This information concerns

- highly endangered species that may not be subject to commercial activities at all (EU Annex A<sup>2)</sup>).
- species that risk becoming endangered unless trade is strictly regulated (EU Annex B<sup>2)</sup>).

These annexes are available at the website of the Board of Agriculture ([www.sjv.se](http://www.sjv.se)).

In this context, "species" refers to all specimens, that is both living and dead animals as well as parts and products of animals – even if they are a part of other goods – when at least one parent belonged to a species in annex A or B.

## The rules also apply to

- a product whose documentation, packaging, labelling, etc. state that it contains parts or products of a species in those lists.

## WHAT IS MEANT BY COMMERCIAL ACTIVITIES?

- purchase
- advertisements of purchase
- offer to purchase
- acquisition
- display
- use for commercial gain
- sale
- keeping for sale
- offering for sale
- advertising for sale
- transporting for sale

## BUYING OR SELLING ENDANGERED ANIMAL SPECIES IS ILLEGAL

Within the EU, all forms of commercial activities involving endangered species are illegal. This comprises buying or selling

- animals of highly endangered species (Annex A). This applies also to animals born or raised in captivity.
- Animals that have not been acquired or brought to the EU in a legal way (Annex B).

## EXCEPTIONS TO THE PROHIBITION OF BUYING OR SELLING SPECIES ON LIST A

Exceptions to this prohibition can be made for specimens

- that were imported to the EU or acquired before the special regulation entered into force
- that are to be used for non-commercial purposes that do not threaten the survival of the species
- whose parents are born and raised in captivity
- that were acquired for research and important biomedical purposes. The animals must in this case belong to the only suitable species, and it must not be possible to obtain specimens born or raised in captivity.
- that are to be kept for breeding or cultivation that may contribute to the survival of the species
- that are to be kept for research or training with a view to preserving the species
- that were taken legally from the wild in an EU Member State.

Throughout the world, there are more than 5,000 extremely endangered animal species as well as 28,000 extremely endangered plant species. In order to preserve this treasure for future generations and insure the continuation of biological diversity, in 1973 the Convention on International Trade in Endangered Species of Wild Fauna and Flora was adopted. CITES<sup>1)</sup>, also known as the Washington convention, was ratified by Sweden in 1975, and 174 countries had signed the convention by 2008.

Within the EU, CITES has been introduced through special legislation that is valid throughout the union. The purpose of the convention is to preserve wild fauna and flora and insure their conservation through the protection of certain species against over-exploitation through international trade. EU's legislation includes more species than CITES, in addition to having stricter regulations.



<sup>1)</sup> Convention on International Trade in Endangered Species of wild Fauna and Flora

<sup>2)</sup> Throughout the text, Annex A-B refers to those found in the Councils regulation (EC) 338/97.

Exceptions to the regulation can only be granted after a special review. If an exception is granted, the Board of Agriculture will issue a “CITES certificate for approved commercial activities”.

### THE CITES CERTIFICATE

The CITES certificate must be applied for with time to spare, so that it can be obtained before the commercial activity takes place. Live animals must be marked (see below). The certificate shall follow the specimen, and it applies to all kinds of future commercial activities (specimen-specific certificates). The Board of Agriculture recommends that marking take place in all cases when CITES certificates are issued, and not only live animals. If the specimen is not marked, or in case the Board of Agriculture prescribes that the certificate applies to a specific transaction, each new commercial activity requires a new application for a certificate. In other words, in such a case the certificate only applies to the specified holder (transaction-specific certificates).

#### The following rules apply to the CITES certificate

- Normally, there is no time limit for its validity.
- In order to transfer an animal caught in the wild, a new certificate is required if the old one states that the animal is to be kept at a certain location.
- A certificate may comprise several specimens, but they must belong to the same species. In case of sale, the certificate may comprise several specimens only if the buyer purchases all of them. If not, one CITES certificate is required for each buyer.
- If conditions change, the certificate shall immediately be returned to the Board of Agriculture. This is the case when, for instance, the animal has not been marked after a sale, or when a certificate is issued for several specimens that are later sold separately. The seller shall then return the original certificate to the Board of Agriculture together with the buyer's address, and also give the buyer a copy of the certificate. This copy is important to the buyer, since it proves that the specimen has been acquired legally. The copy shall be presented to the Board of Agriculture if an application is made for selling the specimen on, or for any other commercial activity.

The certificate follows the specimen in case of sale, if so stated in the certificate. When an animal dies, the certificate shall be returned to the Board of Agriculture. CITES certificates can also be issued for animals transported from Sweden to another EU Member State, so that the owner can prove that the specimen has been acquired legally. This applies in the following situations:

- Export to countries outside the EU: a CITES certificate is required from the country where the animal was taken from the wild.
- Re-export: this requires a certificate from the country from which the animal was imported into the EU.
- Move within the EU of animals caught in the wild, in case the current CITES certificate prescribes that the animals be kept in a certain location. A new certificate is then required in order to prove that one has the right to move the specimen, i.e. that the new location has been approved.

### EXCEPTIONS TO THE CITES CERTIFICATE REQUIREMENT

#### No CITES certificate is required for

- Live birds born and raised in captivity and belonging to a species in Annex 10 of Commission Regulation (EC) No 865/2006, or hybrids of such birds.
- Specimen that have been prepared and acquired before 1 June 1947. This must be proved to the Board of Agriculture in case of control.
- Purchase of animals, in case a CITES certificate has already been issued for the sale.
- Animals sent to a taxidermist for mounting. However, a certificate is required if the taxidermist keeps the animal for money, or sells it on.

Approved breeders can apply for a so-called pre-issued breeder's certificate. Such certificates can also be issued for, among others, taxidermists selling dead animals raised in captivity or a few dead animals taken legally from the wild. In order to obtain such a certificate, the breeder shall

- maintain a special breeding register containing data on the number of individuals sold and their species, how they were obtained, which parts were sold, the animal's cause of death, the person it was obtained from, and to whom it was sold.

- every year send data to the Board of Agriculture.

A scientific institution can obtain a general exception from the obligation to apply for CITES certificates. For this purpose, the institution must be approved by the Board of Agriculture, and it must have either a breeding programme for the species concerned, or carry out research or training in order to further its survival.

### METHODS OF MARKING

The rules on marking are laid down in Article 66-68 in Commission Regulation (EC) No 865/2006. They say, among other things, the following:

- **Birds** born and raised in captivity, and other birds born in a controlled environment, shall be marked by an individually marked, seamlessly closed leg ring. If the physical or behavioural characteristics of the species does not allow this, the animals may be marked by an individually numbered microchip transponder fulfilling ISO standard 11784:1996(E) and 11785:1996(E).
- **Live vertebrates** except birds born and raised in captivity shall be marked with a microchip transponder, as described above.

The Board of Agriculture may grant exceptions to these marking requirements, for reasons of animal welfare or if other characteristics of the animals make it impossible to mark them safely when the certificate is to be issued. This often means that the certificate will contain special conditions, for instance that the specimen is marked once it reaches a certain size.

### PHOTO ID FOR THE ISSUING OF CITES CERTIFICATES

#### Live animals

In some cases, live turtles, snakes or amphibians are too small to be marked with microchips. There may also be other physiological reasons why microchip implants are not suitable. In such cases, photo identification may be an option to a solution involving loose microchip transponders accompanying the animals for future implantation. Certificates issued with photo identification can accompany the animals during several transactions until they are large enough (as stated in the certificate). When this happens, the animal

shall be marked with an ISO standard microchip, and a certificate issued by a veterinarian stating this shall be sent to the Board of Agriculture, together with the original certificate. The original certificate will be replaced with a specimen-specific certificate at no extra charge, and sent to the current owner.

This means that the certificate is transaction-specific for as long as the microchip transponder accompanies the specimen without being implanted, or while the specimen is being identified via photo ID. Transaction-specific certificates are only valid in Sweden (see above).

### **Objects/products etc.**

Photo ID is the only possible method of identification. Stuffed animals should ideally be marked by a microchip, but photo ID is acceptable. In this case, the certificate will be transaction-specific.

### **Miscellaneous**

The pictures shall be clear, with good contrast, and detailed enough to allow identification. Only one object per picture. The pictures shall be in colour and printed on photo paper of normal durability. All pictures shall be sent in two identical copies. Objects that are marked with indelible ink shall be accompanied by two identical photographs that clearly show the specimen and its marking.

### **HOW DOES ONE APPLY FOR CITES CERTIFICATES IN SWEDEN?**

One applies for the CITES certificate to the Board of Agriculture on special forms (SJV E9.21, SJV E9.79 and SJV E9.76 or SJV E9.75), which can be obtained from the Board (Division for CITES and Pet Animals), or downloaded from its website [www.jordbruksverket.se](http://www.jordbruksverket.se). The fee is SEK 350 per certificate, and is to be paid in advance. Payment can be made either by cheque or by sending the amount via the Board of Agriculture's giro account No. 5693-2486. Please state your name and address, as well as the number 10504. A copy of the confirmation of payment (receipt, record of transactions, etc. shall be enclosed with the application. Payments from abroad is made via SWIFT: NDEASESS or via Eurogiro. International Bank account code (IBAN-code) is: SE 79 9500 0099 6026 0304 5291.

### **HOW QUICKLY WILL THE APPLICATION BE PROCESSED?**

Processing begins once the Board of Agriculture has obtained all the information, as well as the fee. The matter will also be referred to the National Environmental Protection Agency. The recommended processing time is a month, but it may take longer than that. Additional restrictions to preserve birds, eggs and other live animals

In addition to the CITES regulations on commercial activities, the Ordinance on the protection of species also applies. This is relevant for

- live birds and eggs with embryos of species that exist in the wild within the EU's European territory, and
- other live animals of species that are listed in the Annex to the ordinance.

It is illegal to transport, keep, and sell such species. There are both general and specific exceptions to this rule. For more details, please see the information on the Ordinance on the protection of species.

### **ANIMAL WELFARE LEGISLATION**

Swedish animal welfare legislation as well includes rules that regulate the transportation and keeping of animals. In some cases, it also prohibits the keeping of certain types of animals for company or hobby. For more information please contact the Department for Animal Welfare and Health of the Board of Agriculture (phone +46(0)36 15 50 00).

### **VETERINARY IMPORT PERMIT TO SWEDEN**

- For some live animals and animal products, a veterinary import permit is required (for reasons of disease control). Sometimes, animals may have to be quarantined for a time.
- Due to the risk of contamination, there is an absolute prohibition on the import of certain animals from some parts of the world.

For information on veterinary import permits, please contact the Board of Agriculture. For live animals, contact the Division for CITES and Pet Animals. For animal products, contact the Division for Feed and Animal Products. The number to the switchboard is +46(0)36 15 50 00.

### **ADDITIONAL INFORMATION**

The Board of Agriculture also provides guiding information on

- Import, export and re-export of endangered species between EU countries and other countries (also available in English).
- Simplified import and export rules for personal belongings and household effects from endangered species.
- The Ordinance on the protection of species.

If you have any questions or need application forms or other documents, you are welcome to contact the Board of Agriculture. Write to the Board of Agriculture, Division for CITES and Pet Animals, 551 82 Jönköping, fax on +46(0)36 15 50 05, or call +46(0)36 15 50 05 (switchboard).

This information, links to legislation and a number of external links are also available at the Board's website ([www.jordbruksverket.se](http://www.jordbruksverket.se)).

