

EUROPEAN COMMUNITY BIENNIAL REPORT ON IMPLEMENTATION OF CITES

2001-2002



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AUSTRIA

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BIENNIAL REPORT OF AUSTRIA

**in accordance with Article 15.4 (c) of the Council Regulation (EC) No. 338/97
and Article VIII (7) (b) of the Convention (CITES)**

I) LEGISLATIVE MEASURES

1. Description of national legislation adopted to implement the Regulations:

The Federal Republic of Austria has ratified the Convention on International Trade in Endangered Species of Wild Fauna and Flora on 1 July 1981 and implemented it with the Federal Law Gazette No 189/1982 of 27 April 1982.

Due to the Austrians declaration to the European Union on 1 January 1995 there has been numerous changes on the area of the species protection in Austria and so the Council Regulation (EEC) No. 3626/82 of 3 December 1982 and the Commission Regulation (EEC) No. 3418/83 of 28 November 1983 were taken over. The Council Regulation (EEC) No. 3626/82 have been changed with the Council Regulation (EC) No. 338/97 of 9 December 1996 and the Commission Regulation (EEC) No. 3418/83 have been changed with the Commission Regulation No. 939/97 of 26 May 1997, which have been renewed with the Commission Regulation (EC) No. 1808/2001 of 30 August 2001.

Beyond that a number of subsequent amending regulations have been adopted. Some of these have themselves been replaced. The regulations are listed below:
Council Regulation (EC) No. 338/97 (Main Wildlife Trade Regulation) of 9 December 1996,
amended by (EC) No. 1476/99 of 6 July 1999 (amends "Notes in interpretation of Annexes"),
amended by the Commission Regulation (EC) No. 2724/2000 of 30 November 2000 (replaces all the Annexes and therefore replaces 2307/97),
amended by the Commission Regulation (EC) No. 1579/2001 of 1 August 2001,
amended by the Commission Regulation (EC) No. 2476/2001 of 17 December 2001;

Commission Regulation (EC) No. 2551/97 (Stricter Domestic Measures), replaced by the Commission Regulation (EC) No. 2473/98 of 16 November 1998, replaced by the Commission Regulation (EC) No. 250/1999 of 2 February 1999, replaced by the Commission Regulation (EC) No. 1968/99 of 10 September 1999, replaced by the Commission Regulation (EC) No. 1988/2000 of 20 September 2000, replaced by the Commission Regulation (EC) No. 191/2001 of 30 January 2001, replaced by the Commission Regulation (EC) No. 2087/2001 of 24 October 2001.

The CITES-Convention is enforced within the Federal Austrian Law Gazette No. 189/1982 of 27 April 1982.

2. Description of national legislation adopted to ensure the imposition of sanctions:

The valid Austrian legislation are as follows:

The Austrian law about the Trade in Species Act of 30 January 1998, enforced with Federal Austrian Law Gazette No. 33/1998, includes Stricter Measures, Control Measures, Marking, Penal Provisions etc.; and the Ministerial Decree (Minister for Economic Affairs) for the Marking of species of 16 September 1998, which enforced with the Federal Austrian Law Gazette No. 321/1998, lays down the rules about the marking methods of the animals which are listed in Annex A.

2.1 Sanctions:

Specific Sanctions for the illegal import, export or re-export of species included in the EC-Regulation Annexes A, B, C and D are covered by different paragraphs in the Austrian law about the Trade in Species Act of 30 January 1998 (it creates sanctions for the offences listed in Article 16 of the Council Regulation). The minimum penalty starts at 1.453,50 € and the maximum penalty is 36.340 €, or they can be sentenced up to 2 years imprisonment.

There is the possibility of administrative and penal sanctions (only for Annex A) according to the weight of the offence.

Paragraph 7 of the Austrian Species Trade Act authorizes the confiscation of specimens in order to secure the decay (forfeiture).

Paragraph 11 gives the possibility to impose the punishment of replacement of the value, if there is no possibility to execute the decay or if there is a need to consider the ownership of any other person.

The Austrian law about the Trade in Species Act and the Ministerial Decree concerning the marking of specimens are now in discussion to be changed. Furthermore an Austrian law about Animals protection is now in progress.

II) MANAGEMENT AUTHORITY

3. Designation of Management authority(ies): information on principal MA and – where appropriate – on additional MA(s):

During the report period the central competence, that means the Management Authority, in Austria is located at the Federal Ministry of Agriculture, Forestry, Environment and Water Management, which also decrees Laws and Regulations for the national area.

Federal Ministry of Agriculture, Forestry, Environment and Water Management
Division II/4
Stubenbastei 5
A-1010 WIEN
Tel: (+43) 1 51522-1401, 1402 or 1452
Fax: (+43) 1 51522-7402
e-mail: guenter.liebel@bmlfuw.gv.at

The Federal Ministry of Agriculture, Forestry, Environment and Water Management is the only Management Authority empowered to issue import, export and re-export-permits as well as Cites-certificates.

Austria has also notified the issuance of Phytosanitary Certificates or also called Plants Health Certificates for Annex II/B plants, this will be executed by the Chamber of Agriculture in Vorarlberg (see enclosed a form for the Phytosanitary certificate). They will be used for exports of artificially propagated plants mainly to Switzerland.

4. Describe the procedures adopted to establish the ancestry of bred captive animals:

Article 25 of the Commission Regulation (EC) No. 1808/2001 together with paragraph 2 of the Ministerial Decree about the Marking of the Species regulates the necessity to establish the ancestry of an animal through the analysis of blood or other tissues. It allows the Scientific Authorities in Austria to identify the origin of the offsprings (most of the time used for birds of prey). In Austria these analyses are made by the University of Veterinary.

5. Describe the procedures adopted for marking specimens in compliance with Article 36 (1808/2001), e.g. methods approved for different species, including birds and other vertebrates

Article 36 regulates the marking of specimens of captive born and bred animals as well as other than captive bred live vertebrates. In Austria all marking methods, like the possibility of closed rings, bands, tags, tatoos, marks, microchip-transponders and DNA-fingerprinting with feathers, blood and excrements are regulated within the Ministerial Decree (Minister for Economic Affairs) concerning the marking of species of 16 September 1998. Furthermore we have the marking method with a picture-documentation for reptiles. The Ministerial Decree concerning the marking of specimens are now in discussion to be changed.

The valid marking methods are contained in the enclosed document (Table I – Marking methods).

5.1 Rate of consultation with Scientific Authority for advise of issuance of permits and certificates (e.g. % of permit and certificates applications):

Article 4 and 5 of the Council Regulation (EC) No 338/97 regulates the introduction as well as the export or re-export from the Community. In all these cases it is regulated that the competent scientific authority has advised that the conditions have been met. The Austrian Management Authority asks the Scientific Authority in all cases and for all applications for documents.

5.2 Number of captive breeding and artificial propagation facilities visited/check by MA and competent SA in reporting period compared to total number of commercial facilities officially recorded:

The captive breeding and artificial propagation facilities are checked by our competent Scientific Authorities, but only on a case-by-case basis or if there is a reasonable suspicion. There are no records how often these facilities have been checked per year.

5.2.1. Scientific Institutions:

For the scientific exchange of herbarium-species and goods between museums Austria has, according to Article 7 (4) of the Council Regulation (EC) No. 338/97, notified 28 scientific institutions (Table II – Scientific Institutions).

5.3 Estimated staff hours spent on CITES matters/month:

The experts (staff) of the Management Authority consists of 5 persons working full-time and 1 person working part-time, who are only issuing permits and certificates. Therefore we can say that every of the persons spent more than 160 (100 for the person working part-time) hours/month for CITES matters. Not included in these persons is the director, the deputy-director and our jurist.

5.4 Ratio of staff capacity (e.g. hours / month) to number of permit applications/month:

More than 6000 permits/year: 5 (one person part-time, one person not always issuing permit applications) = 1200 permits/year -> 100 permits/month -> 0,625 permits/day.

5.5 Ratio of staff time spent on various activities (in %) for example on processing permit application, providing advise to traders/general public, attending meetings, preparing reports, etc.:

The providing advise to traders/general public, attending meetings and preparing reports will be made of one or two persons, one of them is also issuing permit applications.

5.6 Percentage of budget of your Ministry allocated to CITES issues:

No specific records can be made in this case.

III. SCIENTIFIC AUTHORITIES (SA)

6. Designation of SA(s): information on SA(s), contact details and legal status (e.g. fully recognized legal body or committee of experts):

The Designation of scientific authorities is regulated within the § 12 (3) of the Austrian national law No 33/1998 of 30 January 1998. The national Scientific Authorities in Austria are located in the nine local governments. These areas are regulated through their own nature- and animal-conservation laws. The scientific experts in the nine different Scientific Authorities are all members of the government of the province, therefore all the members of the Scientific Authorities are fully recognized legal bodies.

Austrian Scientific Authorities of the Laender

Government of Burgenland
Department 5 – Nature protection
Europaplatz 1, 7001 Eisenstadt
Fax-Nr.: 02682/600-2817
E-Mail: post.abteilung5@bgld.gv.at

Government of Carinthia
Department 20
Arnulfplatz 1, 9021 Klagenfurt
Fax-Nr.: 0463/536-32007
E-Mail: post.20@ktn.gv.at

Government of Lower Austria,
Department of Nature protection – RU 5,
Landhausplatz 1, Haus 16, 3109 St. Pölten
Fax-Nr.: 02742/9005/15220
E-Mail: post.ru5@noel.gv.at

Government of Upper Austria
Department of Nature protection
Promenade 33, 4020 Linz
Fax-Nr.: 0732/7720-11899
E-Mail: n.post@ooe.gv.at

Government of Salzburg,
Ref. 13/02 - Nature protection
Friedensstraße 11, 5020 Salzburg
Fax-Nr.: 0662/8042-5505
E-Mail: post13@salzburg.gv.at

Government of Styria
Nature protection
Karmeliterplatz 2, 8011 Graz
Fax-Nr.: 0316/877-4295
E-Mail: post@ra6-n1.stmk.gv.at

Government of Tyrol
Department of Environment protection
Altes Landhaus, 6020 Innsbruck
Fax-Nr.: 0512/508-3455
E-Mail: umweltschutz@tirol.gv.at

Government of Vorarlberg
Abt. IVe-Environment protection
Römerstraße 15, 6901 Bregenz
Fax-Nr.: 05574/511-24595
E-Mail: gudrun.haemmerle@vlr.gv.at

City Council of Vienna
MA 22-Environment protection
Ebendorferstraße 4, 1082 Wien
Fax-Nr.: 4000/9988215
E-Mail: post@m22.magwien.gv.at

6.1 Independence between Management Authority (MA's) and Scientific Authorities (SA's):

The independence between the Management Authority (MA) and the Scientific Authority (SA) is as follows:

The Management Authority is responsible for the issuance of Import, Export- and Re-Export-documents and CITES-Certificates. It is also responsible for law- and regulationdrafts in the area of the Species Protection.

The nine Scientific Authorities are responsible for the issuance of scientific opinions or expertises and the controlling of the accommodation and offsprings.

As defined in the answer of question 6 there are nine Scientific Authorities which are located in nine different national countries, therefore they are at independent locations too.

6.2 Contribution to meetings at national, EU and International level:

The Austrian Management Authority made 2002 a contribution to the Sponsored Delegates Project for the 12. meeting of the Conference of the Parties (CoP) for the amount of 10.000 €

The Austrian Management Authority also made a contribution together with WWF Austria to TRAFFIC Hungary for the last one and a half year for the amount of 80.000 €

6.3 Volunteers or paid experts/employees for CITES issues:

The Management Authority of Austria paid experts to visit different meetings, as well as contributions for some zoos, scientific institutions or non-governmental organisations (all in all € 88.816,28).

The scientific experts in the nine different Scientific Authorities are all members of the government of the province. In all them there is mostly one person employed for CITES issues. But all of them are only working part-time for CITES matters. Therefore no volunteers or paid experts are involved.

6.4 Ratio of hours/months versus no. of permit applications:

As outlined in the answer of question 6.2 the Austrian Scientific Authorities are responsible for the issuance of scientific opinions or expertises and the controlling of the accommodation and offsprings, therefore there are no records about the exact ratio.

IV. CUSTOMS

7. Designation of customs offices: information on designated customs offices (imports and (re) exports offices) with identification of offices specially intended for shipment of live specimens:

The customs offices which are authorised under § 12 (5) of the Austrian national law No 33/1998 of 30 January 1998 perform border controls. At present, this list contains more than 30 authorised customs offices in Austria. Not all customs offices are permitted to handle all goods. For example, certain offices are only authorised to

handle goods sent by post. The handling of live animals subject to certain provisions under veterinary legislation is restricted to a few selected customs offices. A list of all customs offices and their authorization is listed down:

Customs-, Entrance- und Exit-Stations for live animals, live plants and parts and derivatives:

Entrance-Stations

Customs Office	Entrance-Station for		
	live animals	live plants	parts and derivatives
Customs Office Airport Vienna	X	X	X
Customs Office Gmuend			X
Customs Office Neunagelberg			X
Customs Office Kleinhaugsdorf			X
Customs Office Drasenhofen	X	X	X
Customs Office Berg	X	X	X
Customs Office Hohenau	X	X	X
Customs Office Nickelsdorf	X	X	X
Customs Office Nickelsdorf	X		X
Customs Office Deutschkreutz	X	X	X
Customs Office Klingenbach			X
Main Customs Office Klagenfurt, branch office Airport		X	X
Customs Office Karawankentunnel	X	X	X
Customs Office Villach, branch office Mainstation Villach-South			X
Main Customs Office Linz, branch office Airport	X	X	X
Customs Office Wulowitz	X	X	X
Customs Office Wulowitz, branch office Summerau		X	X
Customs Office Wels,			X

branch offices Mainstation and Street/Train			
Main Customs Office Salzburg, branch office Airport		X	X
Main Customs Office Graz branch office Airport		X	X
Customs Office Spielfeld	X	X	X
Main Customs Office Innsbruck, branch office Airport		X	X
Main Customs Office Feldkirch, branch office Tisis		X	X
Main Customs Office Feldkirch, branch office Buchs	X	X	X
Customs Office Hoechst	X		X

Exit-Stations:

Customs Office	Exit-Station for		
	live animals	live plants	parts and derivatives
Main Customs Office Vienna	X	X	X
Customs Office Airport Vienna	X	X	X
Customs Office Gmuend			X
Customs Office Neunagelberg			X
Customs Office Kleinhaugsdorf			X
Customs Office Drasenhofen	X	X	X
Customs Office Berg	X	X	X

Customs Office Hohenau	X	X	X
Customs Office Nickelsdorf	X	X	X
Customs Office Nickelsdorf	X		X
Customs Office Deutschkreutz	X	X	X
Customs Office Klingenbach			X
Main Customs Office Klagenfurt	X	X	X
Customs Office Karawankentunnel	X	X	X
Customs Office Villach branch office Mainstation Villach-South			X
Main Customs Office Linz	X	X	X
Customs Office Wulowitz	X	X	X
Customs Office Wulowitz, branch office Summerau		X	X
Customs Office Wels			X
Main Customs Office Salzburg	X	X	X
Main Customs Office Graz	X	X	X
Customs Office Spielfeld	X	X	X
Main Customs Office Innsbruck	X	X	X
Main Customs Office Feldkirch	X	X	X
Customs Office Hoechst	X		X
Customs Office Wolfurt	X	X	X

This list of authorised customs offices of the Member States of the European Union was also published in the Official Journal of the European Communities, Part C, No. 356 on 8 December 1999.

According to paragraph 12 (5) of the Austrian Species Trade Act, the agendas of the Convention and the EC-Regulations on the Austrian borders will be fulfilled by the Ministry of Finance.

8. Describe the procedures for completing the CITES documents accompanying shipments/specimens:

The customs authority has to check and to endorse form 1 (original-white) and form 2 (copy for the holder – yellow) of the import document or import notification. On the import document this endorsement has to be done in box 27, on the import notification this has to be done in box 14. This endorsement consists of the WE-Number, a stamp and a signature. On the (re-)export document which have also to present to the customs authority, the document have to be endorsed with the WE-number, a stamp and a signature.

9. Describe the procedures for forwarding documents to the MA:

The form 1 (original-white) of the import document or import notification has, together (fixed) with the (re-)export documents of the (re-)export country, to be send to the competent Management Authority immediately. This sending includes also checks of foreign issued documents (documents issued from a Management Authority of another EC-Member State).

10. Describe the procedures for seizure of specimens in case of infringements:
Art. 16.1 & 2 (338/97) and possible automatic confiscation:

If the staff of the customs stations is informed about an infringement, they have to confiscate the specimens according to paragraph 7 (4) of the Austrian Species Trade Act. The costs for the seizure has to paid by the culprit involved. If there is no suspicion of a punishable offence according to paragraph 8 (1) or paragraph 9 (1) of the Austrian Species Trade Act, because of the fact that only the required documents are missing, then the specimens have to be seized according to paragraph 29 (3) of the Austrian Customs Act.

11. Describe the procedures of disposal of seize specimens:

If live animals or plants are seized than they have to be brought to a rescue center or an appropriate institution, in Austria most of the time on a case-by-case basis. With regard to the seized specimens the agreement with the competent Scientific Authority and a push for a suitable accommodation has to be done. In Austria 24 institutions or rescue centers are now at the disposal (see also Table III – Rescue Centers).

According to Article 16 (3) and (4) of the Council Regulation (EC) No. 338/97 all confiscated parts, goods and derivatives come to the disposal of the Management

Authority. These goods will be passed on to museums, schools, scientific institutions as well as for the training course of the customs organs. Some confiscated species will be shown on information events for the theme of the protected species which are regulated within the Convention.

12. Describe the special procedures regarding seizure of live specimens (Annex B or C) introduced without appropriate valid permits:

According to Article 16 (4) of the Council Regulation (EC) No. 338/97 there is an obligation to confiscate, if live specimens of Annex B and C are imported without valid permits or certificates. Living specimens of Annex A, B and C are to be seized in every case.

12.1 Include in the list of designated customs offices - for each office – total number of officers and number of officers trained for CITES controls:

There are no records at the Customs Authority for this kind of information.

12.2 Exchange of information between customs, other enforcement agencies (police, forestry department, etc.), the MA(s) and judicial (state prosecutors, judges, etc.):

There are no records at the Customs Authority for this kind of information.

12.3 Existence of an electronic database to record infractions at national level (No. seizures, No. confiscation, fines, value of shipment, etc.):

The electronic database to record and to report infractions from the Customs Authority to the Management Authority is the computer program Microsoft Excel 2000.

12.4 Rate: (No. seizures/reported infractions/year) versus (No. permit applications/year):

2001: 6000 applications (permits and certificates) : 99 infractions = 60,61

2002: 6000 applications (permits and certificates) : 92 infractions = 65,22

12.5 Rate: (No. confiscation/year) versus (No. seizures/reported infractions/year –

distinguish airports, ports and others):

There are no records at the Customs Authority for this kind of information.

12.6. For the three main customs offices (e.g. main airports) in term of CITES trade:

(No. CITES seizures/year) versus (No. Seizures*/year):

* all: including for instance drugs, weapons, counterfeiting, etc.

There are no records at the Customs Authority for this kind of information.

The organs of the customs authority will be supported in their monitoring function by numerous experts. The appointment to this function was made from the Management Authority based on its qualification. These experts have a great significance in the uncovering of false declarations or in the attempt to smuggle. In 2001 387 live animals and plants and in 2002 231 live animals and plants has been confiscated.

12.6.1 National Scientific Experts:

The Scientific Authority and also the Customs authority at the border stations are supported by some national scientific experts (for live animals, plants or parts and derivatives). At the moment this list contains of 75 persons in all national countries (see enclosure – Table IV – National Scientific Experts).

V. OTHER UNITS OF CONTROL

13. Information and description of other designated units of control empowered to realise seizures:

Austria has not designate additional or other units of control empowered to realise seizures according to Art. 13.1 (b) of the Council Regulation (EC) 338/97.

14. Describe the procedures to seize specimens, and where appropriate arrest owner:

In case of a reasonable suspicion the Management Authority or other authorized representatives are according to paragraph 7 (1) of the Species Trade Act empowered to enter buildings, to stop means of transport, to open containers and to make controls etc.

According to paragraph 7 (4) of the Austrian Species Trade Act the Customs Authority is authorized to seize and to confiscate specimen in order to secure the decay (forfeiture).

Paragraph 8 (2) of the Species Trade Act regulates that infringements against the import, export, re-export or transit of live animals and plants of Annex A of the Council Regulation (EC) No. 338/97 without the required permit or certificate or infringements against the prohibitions of Article 8 of the Council Regulation (EC) No. 338/97 can be punished with an up to two years imprisonment.

But the Management Authority has never been informed that a person ever get in prison because of an infringement against the Austrian Species Trade Act.

14.1 Number of full and part-time wildlife inspectors in the country (or hours spent on CITES matters/controls), for each units of control:

There are no records at the Customs Authority for this kind of information.

14.2 Rate: (No. established CITES infringements/year) versus (No. established general infringements/year), for each units of control:

There are no records at the Customs Authority for this kind of information.

VI. TRAINING ACTIVITIES

15. Management Authority: information on seminars attended and/or organised and provided brief description:

In November 2001 the Austrian Management Authority organised a seminar together with the nine Austrian Scientific Authorities. In this seminar the following topics were discussed:

- the new Commission Regulation (EC) 1808/2001
- a manual of the Management Authority also used from the Scientific Authorities about the implementation of the EC-Regulations
- a discussion about the new computer-program made for the Management Authority
- a general discussion about the co-operation between the Management Authority and the Scientific Authorities

This seminar was accompanied by some lectures of our experts of the Animals Committee and the Plants Committee, as well as the experts of our Scientific Review Group and the Customs Authority.

Furthermore some Austrian experts of the Management and Scientific Authority attended a German scientific seminar called "CITES Scientific Authority Capacity Building Workshop" which took place in the middle of November 2001 in Bonn together with participants of Countries acceding the European Union in 2004.

16. Scientific Authority (level of quotas, non-detriment finding): information on seminars attended and/or organised and provided brief description:

There was only a single case including various chameleons species, both the reason of the refusal was according to the high rate of the mortality for this species.

Further to the meeting mentioned in the answering of question 15 the Austrian Scientific Authorities didn't attend any further seminars.

17. Customs/police: information on seminars attended and/or organised and provided brief description:

Every year the Customs Authority make one seminar for the Customs and the police to train their staff. These institutions will make then further seminars for themselves (also called "snowball-effect").

17.1 Number of training sessions per year for different authorities (MAs, SAs and agencies including police, customs and others):

Every year the Management Authority is making a training-session for all kind of authorities, like all nine Scientific Authorities and the Customs Authority.

As defined in the answer of question 17, these institutions will make then their own training sessions for their staff (also called "snowball-effect").

17.2 Number of enforcement authorities* receiving training activities per year
* MA, SA, customs, police, forestry department, Veterinary or phytosanitary inspectors, etc.:

As also defined in the answer of question 17.1 there are no specific informations about the exact number of persons, who receive training activities (the experience shows that there are hundreds of them).

17.3 Training materials** provided/produced, example: power point presentation, movies, animals or plants specimens (live, dead or derivative products), permits or certificates falsified, experts (SA, TRAFFIC, IUCN, etc.):

The Austrian Scientific Authority in Salzburg created together with the Management Authority a Power Point Presentation which will be updated for each lecture. This presentation can be used for the Management Authority and for the Scientific Authorities as well as the Customs Authority (see enclosure - Table V¹).

Furthermore the Customs Authority in co-operation with the Management Authority make a long-term presentation with derivative products in their office. Also the Viennese Zoo Schoenbrunn is making this kind of presentation in co-operation with the Management Authority.

17.4 Number of hours on CITES matters/issues included in general custom's training/education:

There are no records at the Customs Authority for this kind of information.

17.5 International participation to training activities:

The Customs Authority participate at the meetings of the World Customs Organisation (WCO).

VII. INFRINGEMENTS AND LEGAL ACTIONS

18. Accommodation for live specimens at designated customs offices:

- Description of accommodations provided for live animals and plants at designated offices (capacity, species that can be accommodated, location, number of staff and expertise at the office)

This accommodations consists at the moment of 24 institutions or rescue centers (see Table III-Rescue centers). As this staff is always changing, because many of them are volunteers, there are no special records about the staff.

¹ [Note from UNEP-WCMC: Presentation not available in pdf format - please contact Austrian Management Authority for a copy].

19. Describe the procedures regarding commercial activities with confiscated specimens:

In principle, the Austrian Management Authority never sale any animals or plants of Annex B, C or D; the sale of Annex A specimens is forbidden. But in exceptional cases, if the conditions for the keeping of such specimens are too complicated, then the specimens will be saled at standard business prices. But such decisions in Austria are be done on a case-by-case basis.

20. Infringements (including seizures) + legal actions (including confiscation and penalties imposed):

- List of cases of established infringements (types of specimens, volumes, country of origin, ...) and eventual seizures and confiscation resulting, for each units of control, including description of major cases, details on origin, route, final destination, smuggling techniques, ...)

All the described cases and available informations above are given in the enclosed list (Table VI – confiscations 2001 and 2002).

20.1 Number of designated rescue centres for confiscated live animals:

Austria has at the moment 24 Rescue Centers (Table III – Rescue Centers).

20.2 Used of benefits generated trough sales of confiscated specimens:

There was only one sale of confiscated Annex B-specimens (Iguana iguana), the income was given to the scientific institution where the animals where kept during the process.

20.3 Rate: (No. court cases) versus (No. CITES infringements) per year:

2001: 99 Nos. of CITES infringements : 19 Nos. of court cases = 5,21

2002: 92 Nos. of CITES infringements : 8 Nos. of court cases = 11,5

20.4 Rate: (No. court cases) versus (No. Annex A infringements) per year:

2001: 22 Nos. of Annex A infringements : 19 Nos. of court cases = 1,16

2002: 21 Nos. of Annex A infringements : 8 Nos. of court cases = 2,63

20.5 Rate: (No. imprisonment) versus (No. CITES infringements) per year:

There were no sentences for imprisonments in CITES-matters in the reporting period.

20.6 Maximum sanctions imposed for CITES infraction during reporting period (fines and imprisonment):

There are no records at the Customs Authority for this kind of information.

VIII. PERMITS AND CERTIFICATES

21. Describe the procedures for issuing permits and certificates:

The procedures for the issuance of permits and certificates are laid down in the Articles 4 and 5 of the Council Regulation (EC) No. 338/97.

When an application is presented to the issuing Management Authority (MA), no matter if it is an import-permit, export-permit or a certificate, the MA has to check if the application is correctly applied, all needed information included and all the conditions are met. The following conditions has to be fulfilled:

Import-permit – Annex I/A: The MA of the import country has to issue an import-permit prior to the export document.

Import-permit – Annex II/B: The export-permit of the export country has to be issued before an import-permit can be issued.

Export-permit – Annex I/A: The MA of the export country has to issue an export-permit after an import-permit of the import country was presented.

Export-permit – Annex II/B: The MA of the export country has to issue an export-permit prior to the import document.

If all these conditions are met than the application has to be presented to the competent Scientific Authority. This authority than has to issue a positive scientific expertise.

Until not all these conditions are fulfilled not any permit can be issued by the competent issuing Management Authority.

22. Describe the procedures for replacing permits and certificates:

Before a permit or certificate can be replaced, the issuing Management Authority has to check if the permit or certificate got lost. The applicant has therefore to present a statutory declaration and a loss-declaration of the police department. If all these conditions are fulfilled than the competent Management Authority can issue a duplicate of the document. After this issuing the Management Authority has to inform the CITES-Secretariat and the Management Authority of the import-/export-country involved about this replaced document.

22.1 Prices of permits and certificates:

The prices or fees for the issuance of permits and certificates depends on the kind of species and on the documents that have to be issued. As example, Annex A or live specimens are much more expensive than Annex B or dead specimens. But for

further details see the list down:

The fee for the issuance of a permit is for each species, for a certificate for each specimen.	€
a) Issuance of permits and certificates for hunting trophies	218,--
b) Issuance of permits and certificates for antiques	109,--
c) Issuance of permits and certificates for living animals of Annex A: Mammals	109,--
d) Issuance of permits and certificates for living animals of Annex A, Birds, with the exception of permits and certificates for hawking	109,--
e) Issuance of permits and certificates for living animals of Annex A: Reptiles	21,80
f) Issuance of permits and certificates for living animals of Annex A: Amphibians	10,90

g) Issuance of permits and certificates for living animals of Annex A: Pisces	10,90
h) Issuance of permits and certificates for living animals of Annex A: Insects	10,90
i) Issuance of permits and certificates for living animals of Annex A: Molluscs	10,90
j) Issuance of permits and certificates for living plants of Annex A	10,90
k) Issuance of permits and certificates for living animals of Annex A for the use of hawking	21,80
l) Issuance of permits and certificates for living animals and plants of Annex B	10,90
m) Issuance of permits and certificates for dead animals and plants, their parts and derivatives, with the exception of hunting trophies	7,25

22.2 Average time for issuance of permits and certificates:

The time for the issuance of a permit or certificate depends, as well as the fees mentioned in the above question, on the kind of document and on the kind of species for which this document have to be issued. As an example, a document for an Annex II/B watchstrap will be issued faster than a document for an Annex A-live specimen, where the competent Scientific Authority has to check the housing and some other conditions. But as an average time for the issuance of documents it can be said that this issuance will take two or three weeks.

22.3 Existence of an electronic system for issuing permits and certificates (not "electronic permits"):

For the issuance of permits and certificate during the report period the Austrian Management Authority used the System Windows 2000 together with the computer-program Microsoft MS Access 2000.

All the used forms which are laid down in the Commission Regulation (EC) No. 939/97 of 26 May 1997, which have been renewed with the Commission Regulation (EC) No. 1808/2001 of 30 August 2001 are printed out with a laser-printer (see enclosure – forms).

22.4 Existence of an electronic database for recording data included in permits and certificates:

The electronic database is also contained in the database-program Microsoft MS Access 2000.

22.5 Rate of rejected permits and certificates (i.e. total issued versus rejected applications):

During the report period time 2001 and 2002 the Austrian Management Authority issued more than 6000 documents (permits and certificates) per year and there were only a few rejected applications, also mentioned in the answer of question 16.

22.6 Rate of unused permits and certificates (i.e. total issued versus unused permits and certificates):

The electronic database which was used during the report period time can not eject a list of all unused documents.

IX. COMMUNICATION

23. Description of the public awareness activities and programs undertaken by the responsible authorities:

Brochure:

Austria has produced a brochure on EC-Regulation (EC) No. 338/97 for travellers, especially long-distance travellers, where also the penalties are included. The target of this brochure is an information on the border stations about the contents of the Convention to avoid the infringements of the Convention. This brochure is available

at the Austrian border stations as well as at travel agencies. Reprints of this brochure were made due to the heavy demand (enclosure-Brochure).

Homepage:

Beyond that detailed information is also available on the web, the address of our homepage is www.lebensministerium.at/cites.

This homepage includes the Austrian Regulations (Species Trade Act and the Ministerial Decree about Marking of the Species), all valid EC-Regulations and the Convention text together with informations which are needed and helpful for the application of permits and certificates (like forms, fees etc.) and some additional links.

24. Describe briefly information included on annual reports communicated to the Commission:

The Austrian annual reports during the report period time 2001 and 2002 contains all relevant informations which laid down in the "Guidelines for the preparation and submission of CITES annual reports". The Austrian annual reports are made on the datas of documents which were presented and checked by the Customs authority.

24.1. Percentage of annual Management Authority budget allocated to public awareness activities:

No specific records can be made in this case.

24.2 Report on time (before 15 June each year) for submitting annual reports to the Commission:

The Austrian annual reports, which are submitted to the European Commission and the World Conservation Monitoring Centre, in an electronic version and in a print-out, are normally reported on time.

The Austrian annual report 2001 was submitted to the Commission as well as the World Conservation Monitoring Centre on time (10 May 2002).

The Austrian annual report 2002 was submitted to the Commission as well as the World Conservation Monitoring Centre one day after the deadline (16 June 2003).

24.3 Assessment of information included on annual reports, including:

- computerised form for data on imports into and exports and re-exports from the Member States

A computerised database of all imports, exports and re-exports for the report period 2001 and 2002 is given in the enclosed documents (Table VII -Annual reports 2001 and 2002). With the computer database which was used during the period time it is not possible to make summaries of imports, exports and re-exports. But since February 2003 the Management Authority is using a new computer database programme.

- information on species which were dead at the time of introduction in the European Community

In 2001 there was no mortality of live animals in Trade.

2002 there was the following mortality:

8 animals of a senegal chameleon (*Chamaeleo senegalensis*)

7 animals of an emperor scorpion (*Pandinus imperator*)

This informations are also contained in the enclosed list (Table VIII-Mortalityreport 2001 and 2002).

X. ATTENDANCE AND PARTICIPATION AT EU WILDLIFE TRADE REGULATIONS MEETINGS

25. Describe the contribution of the MS to the operations of the Committee:

There are no specific informations recorded.

25.1 No. meetings not attended by the MS:

During the report period time all meetings of the Committee of Wild Fauna and Flora, except the meetings of the Standing Committee in Geneve, were attended by a member of the Management Authority.

The international representation of the Austrian Management Authority at the Conference of Parties (CoP), the Standing Committee and the Co-operation with Interpol is fulfilled by the head officer of the Management Authority, Mr. Günter Liebel.

25.2 Average number of participants:

Most of the time there was at least one member of the Management Authority (Austrian participants: Mr. Günter Liebel, Dr. Walter Höfler, Gabriele Roth).

26. Describe the contribution of the MS to the operations of the Scientific Review

Group:

There are no specific informations recorded.

26.1 No. meetings not attended by the MS:

During the report period time all meetings of the Scientific Review Group were attended by a member of the Scientific Authorities.

26.2 Average number of participants:

At all the meetings of the Scientific Review Group Austria is represented with one member (Austrian participant: Dr. Hugo Müller).

27. Describe the contribution of the MS to the operations of the Enforcement Group:

Specific informations will be given to the inquiries discussed at the Enforcement Group in a case-by-case basis.

27.1 No. participation and details of the authorities that represent the MS in the EG:

During the report period time all meetings of the Enforcement Group were attended by the representatives of our Customs Authority (participants: Mr. Gerhard Marosi, Mr. Julian Jandl).

The Austrian representative at the Enforcement Group is the Customs Authority, the Federal Ministry of Finance.

Federal Ministry of Finance
Department IV/27
Himmelpfortgasse 4-8
A-1015 Wien
Tel: 01/514 33-1236 or 1315
Fax: 01/512 09 27
email: gerhard.marosi@bmf.gv.at
julian.jandl@bmf.gv.at

Furthermore Austria is an observer at the following Scientific Committees:

Animals Committee: Peter Linhart

Plants Committee: Michael Kiehn

BELGIUM

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* : Le Règlement de la Commission n°939/97 du 26/05/97 a été remplacé par le Règlement*1808/01 du 30/08/2001.

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* : Le Règlement de la Commission n°939/97 du 26/05/97 a été remplacé par le Règlement*1808/01 du 30/08/2001.

RAPPORT BISANNUEL 2001-2002

Elaboré en application de l'article 15.4(c) du Règlement (CE) n° 338/97 du Conseil du 9 décembre 1996 relatif à la protection des espèces de faune et de flore sauvages par le contrôle de leur commerce.

1. Mesures législatives

1.1 Dispositions spécifiques et instruments légaux

- Le Conseil d'Etat a remis le 01.10.2002, son avis sur le projet d'arrêté royal (A.R) relatif à la protection des espèces de faune et de flore sauvages par le contrôle de leur commerce visant à remplacer l'arrêté royal du 20.12.1983 (cf. rapport bisannuel précédent). Après adaptation du texte et un avis favorable du Conseil d'Etat rendu le 17.03.2003, l'A.R. a été publié au Moniteur belge le 16 juin 2003).
- Un article (4bis) a été ajouté au texte de la loi du 28.07.1981 portant approbation de la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction et des Annexes faites à Washington le 3 mars 1973 ainsi que l'amendement à la Convention, adopté à Bonn le 22 juin 1979. Cette disposition permet de demander des redevances pour l'établissement des documents. Cette modification a été apportée via la loi programme du 24.12.02 (MB 31.12.02).

1.2 Sanctions

Actuellement, les infractions sont punies en application des articles 5 et 6 de la loi du 28 juillet 1981 précitée.

1.3 Dispositions en cas de saisie et confiscation

L'art 6 de la loi du 28 juillet 1981 (voir point 2.1) prévoit qu'en cas de saisie de spécimens vivants, les spécimens soient confiés aux Organes de Gestion. Ces Organes, après avoir consulté l'Etat d'exportation et éventuellement une autorité scientifique ou le Secrétariat de la CITES renvoient les spécimens à l'Etat d'exportation ou les envoient à un centre de sauvegarde ou tout endroit approprié ou compatible avec les objectifs de la Convention.

Pour les animaux, le seul centre reconnu officiellement est le ZOO d'ANVERS, Koningin Astridplein 26 à 2018 ANVERS avec lequel un contrat a été passé. Comme celui-ci n'a pas toujours la possibilité d'héberger les spécimens saisis, l'Organe de Gestion doit parfois faire appel à d'autres solutions.

Pour l'accueil des reptiles et des tortues en particulier, le service a recouru au centre « CARAPACE », asbl Chaussée de Charleroi, 117 à GEMBLoux . Ce centre bénéficie d'un agrément comme refuge pour animaux dans le cadre de l'Arrêté royal du 17/02/1997 portant les conditions d'agrément pour des élevages de chats, chiens, refuges pour animaux, pensions pour animaux et établissements commerciaux pour animaux et les conditions concernant la commercialisation des animaux.

En fonction des espèces d'autres institutions entrent aussi en ligne de compte comme :

- * Opglabeeek (principalement les oiseaux)
Industrieweg Zuid 2051
3660 OPGLABEEK
- * Musée d'Histoire naturelle de Tournai (reptiles /amphibiens...)
Cour d'Honneur de l'Hôtel de Ville
7500 TOURNAI
- * Aquarium de l'Université de LIEGE (coraux /poissons...)
Quai Van Beneden, 22 ,
4020 LIEGE

En ce qui concerne les spécimens morts, le service a généralement recouru aux musées suivants:

- * Institut Royal des Sciences naturelles de Belgique (IRSNB) ,
29, rue Vautier
1000 BRUXELLES
- * Musée Royal d'Afrique centrale,
13, Chaussée de Louvain,
3080 TERVUREN

Pour les plantes vivantes, le seul centre reconnu officiellement est le Jardin Botanique National, Domaine de Bouchout à 1860 MEISE.

Des démarches sont en cours pour essayer de trouver des institutions supplémentaires qui pourraient héberger les spécimens saisis.

2. Mesures réglementaires et application

2.1 Mesures de contrôle

La loi du 28 juillet 1981 portant approbation de la CITES dispose dans son article 7 que sans préjudice des pouvoirs des officiers de police judiciaire, les infractions aux dispositions de la loi et de ses arrêtés d'exécution sont recherchées et constatées par les agents de douane, les membres de la gendarmerie et les agents de police communale ainsi que par les ingénieurs et préposés de l'administration des eaux et forêts, les ingénieurs et les inspecteurs de l'administration de l'élevage et du service vétérinaire et de l'inspection des matières premières, de l'administration des services économiques, les inspecteurs et contrôleurs des denrées alimentaires, les inspecteurs et contrôleurs de l'inspection générale économique et autres agents désignés par le Ministre de l'Agriculture " .

Depuis 1981, des réorganisations ont modifié la dénomination de la plupart des services et des fonctions des agents. Une modification de la loi, en préparation, tiendra compte de ces changements.

2.2 Infractions et actions légales. Démarches pour assurer le respect de la réglementation.

Les agents nommés au point 2.1 peuvent dresser des procès verbaux qui font foi jusqu'à preuve du contraire. Ces mêmes agents sont autorisés à prélever des échantillons et à les faire examiner dans un laboratoire agréé afin d'en déterminer la nature. Ils ont dans l'exercice de leur fonction, libre accès aux bâtiments et terrains entre 5 heures et 21 heures sauf pour les habitations pour lesquelles un mandat du juge du tribunal de police est nécessaire.

Ces agents peuvent faire appel à des experts CITES reconnus par l'arrêté ministériel du 30/04/1987 modifié par les AM du 4/5/1988, du 6/11/1992 et du 10/05/1999.

2.3 Infractions significatives

Le tableau ci-après reprend les saisies enregistrées pour les années 2001-2002, pour les spécimens d'animaux et végétaux. Les explications de la légende des colonnes sont fournies après le tableau

Voir le fichier « Tableau Saisies 2001 2002»

Explication des numéros de colonnes et des codes utilisés:

Colonne 1: numéro de série

Colonne 2: date de constatation des faits

Colonne 3: type de transaction

Colonne 4: pays de provenance (code ISO) -XX= Pays inconnu

Colonne 5: pays de destination (code ISO) -XX= Pays inconnu

Colonne 6: mode de transport (avion passager- fret aérien - route – poste)

Colonne 7: nom scientifique

Colonne 8: nom commun des espèces ou famille

Colonne 9 : Annexe du Règlement du Conseil (A, B, C D) Annexe CITES (I, II, III)

Colonne 10 : codes pour le type de spécimen (Annexe V du Règlement CE 1808/2001)

Colonne 11: nombre de spécimens

Colonne 12: masse du spécimen (en Kg)

Colonne 13: autorité responsable de la saisie : - GAD= groupe Antidroque (Aéroport de Bruxelles)
- SJA = Service judiciaire Anvers.

**Tableau récapitulatif des saisies (animaux et plantes)
2001-2002**

Classes	Description	Nombre de Saisies	
		2001	2002
Mammalia	Animaux vivants	--	1
	ivoire (<i>Loxodonta africana</i>)	29	44
	autres produits	10	14
Aves	animaux vivants	9	10
	produits	--	--
Reptilia	animaux vivants	6	21
	produits	27	25
Amphibia	animaux vivants	--	--
Pisces	produits	5	--
Mollusca	animaux vivants	--	1
	produits	4	--
Cnidaria	coraux vivants	2	2
	coraux morts	5	2
Flora	plantes vivantes	9	4
	plantes séchées	1	--

La plupart des interventions ont été effectuées par les services des Douanes de Zaventem (Aéroport de Bruxelles National) ainsi que par les différentes brigades de la Police Fédérale assistées dans cette mission par la Cellule Environnement du Bureau Central des Recherches (BCR) de la Police Fédérale.

Parmi les cas mentionnés ci-dessus, certains méritent des explications :

- Le 14/03/2001 : saisie de 40 spécimens de *Psittacus erithacus* à destination d'Israël. Le permis d'exportation belge a été refusé vu la non correspondance à savoir que le document où était mentionné des bagues fermées et le fait que les oiseaux portaient des bagues ouvertes, par conséquent, le permis a été déclaré comme non-valable. Les spécimens ont été refoulés en Belgique où ceux-ci ont été saisis. Aucune décision du parquet n'a encore été prise à ce jour.

- Le 30/06/2001 : le groupe anti-drogue de l'Inspection des recherches des douanes et accises (équipe GAD) a procédé au contrôle d'envois en transit à l'entrepôt de la SABENA à Brucargo (Aéroport Bruxelles national.) Un envoi en provenance d'une Mission médicale Chinoise au Mali à destination du Département de la santé en Chine y a été intercepté. Aucun document n'accompagnait l'envoi. L'envoi était constitué de 33 paquets déclarés comme effets personnels avec un poids de 1050 kg.

Parmi ces paquets, une série d'objets en ivoire (150 kg): défenses, bijoux, figurines, outils ont été trouvés parmi les vêtements et effets personnels. D'autres produits ont également été trouvés ; objets en cuir de crocodiles et de varans, carapaces de tortue, peaux de serval. Les biens en question avaient été envoyés à l'aéroport de Bruxelles par 15 propriétaires chinois. Leur intention était de les y laisser en transit et de les récupérer après leur mission au Mali. Le 4/08/2001, les 15 personnes concernées ont été arrêtées et incarcérées temporairement dès leur arrivée en transit. Ils ont été inculpés de trafic de spécimens d'espèces protégées par la CITES et association de malfaiteurs. Leur procès n'a pas encore eu lieu.

- le 24/10/2001 : Viande de brousse : une cargaison de 200 kg provenant du Bénin a été saisie sur base de la réglementation sanitaire. Une partie de cette viande impliquait des espèces CITES (primates, pangolins..)

- le 13/03/2002, la douane de la poste de Bruxelles a intercepté un paquet provenant d'Inde et contenant des agaves, des Caralluna et des Euphorbes. Les plantes étaient d'origine sauvage et n'étaient accompagnées d'aucun document, ni permis CITES ni certificat phytosanitaire.

- le 19/04/2002, a eu lieu à l'aéroport de Bierset, une saisie de plantes insectivores en provenance des Pays-bas et à destination d'Israël. L'envoi était constitué de Nepenthes, de sarracénies et de dionées. La saisie a été effectuée parce que le contenu de l'envoi ne correspondait pas aux informations reprises sur les documents.

- Le 07/05/2002, un envoi douteux de 256 caméléons provenant d'Ouganda via le Royaume-Uni et à destination d'un commerçant français a été saisi à Zaventem, le permis ougandais étant falsifié (date de validité, différences de lettre..). Un cas similaire avait été détecté au Royaume-Uni quelques temps auparavant. Cet envoi concernait les espèces suivantes : *Chamaeleo johnstoni* (16), *C.elliotti* (80), *C.bitaeniatus* (80), *C.quilensis* (80). Il s'est avéré que le destinataire final des animaux était un commerçant belge. Vu la grande quantité de spécimens et l'impossibilité de tous les confier à un centre de sauvegarde, une vente publique a été organisée en urgence.

- Le 26/05/2002 : un groupe d'amateurs belges de reptiles membres d'une Association bien connue a été interpellé par la douane. Ces personnes revenaient de Tunisie pour y réaliser des reportages photographiques. Trois de celles-ci avaient caché dans leur sac à dos, des spécimens d'*Uromastyx spp* (au total 9) ainsi que d'autres spécimens non CITES. Aucun document CITES n'a pu être présenté.

2.4 Enquêtes conseillées par la Commission

Néant

2.5 Groupe d'Application

Participation belge aux réunions suivantes :

- Réunions du groupe d'application de la Réglementation (EWG) :
 - le 19 décembre 2001 : 6^{ème} réunion : les différentes autorités fédérales y étaient représentées (Organe de Gestion, Police, Douane). Le BCR de la Police Fédérale y a présenté l'analyse stratégique menée pour l'étude du trafic de reptiles en Belgique. Le résultat de cette analyse recommande une approche pluridisciplinaire de ce phénomène : collaboration entre les services concernés, nécessité de répertorier au mieux les infractions, et renforcer et améliorer les mesures de contrôle. La délégation belge y a également évoqué le cas de la saisie d'ivoire importé par les membres d'une mission médicale chinoise au Mali (voir point 2.2)
 - le 9 octobre 2002 : 7^{ème} réunion : les différentes autorités fédérales y étaient représentées (Organe de Gestion, Police, Douane). La délégation belge y a également évoqué le cas de saisie de caméléons (voir point 2.2)
- CITES Workshop on Mega-biodiversity Exporters, du 29 janvier 2000 au 2 février 2001 à Bruxelles. La Belgique y était représentée par le représentant de Traffic Europe co-organisateur de l'événement. Ce groupe de travail financé par la CE et le Secrétariat avait pour but de réunir la majorité des pays exportateurs, afin de leur permettre de partager leur approche de la CITES.
- Séminaire TAIEX (Technical Assistance Information Exchange – DG Elargissement de la CE) du 29 novembre 2001 à Bruxelles intitulé « Community provisions concerning wildlife, including captive wildlife ». Ce séminaire destiné aux pays candidats à l'Union européenne (10 pays de l'Est + Chypres, Malte et la Turquie) visait à expliquer comment les différents Etats membres appliquent le Règlement n°338/97 du Conseil. La Belgique y a expliqué le

fonctionnement de son Organe de gestion, son autorité scientifique et ses méthodes de contrôles.

- Séminaire TAIEX du 17 décembre 2002 à ANKARA en TURQUIE . Ce séminaire destiné spécifiquement à la Turquie visait comme celui cité plus haut à expliquer l'application du Règlement n°338/97 du Conseil et se concentrait plus spécifiquement sur l'aspect « contrôle » . L'Allemagne, le Royaume-Uni et la Belgique y ont présenté leur façon de procéder.

2.6 Utilisation et destination des spécimens saisis

Pour les animaux vivants, la seule institution reconnue en Belgique comme Centre de Sauvegarde au sens de l'art 6 de la loi du 28/07/1981 relative à la CITES est le Zoo d'Anvers (voir point 1.3). Toutefois, vu le manque régulier de possibilités d'hébergement des spécimens saisis, l'Organe de Gestion est amené à confier, au cas par cas, les animaux à d'autres établissements publics ou privés situés en Belgique ou dans un autre Etat membre.

Une partie importante des objets saisis a été abandonnée par leur propriétaire de manière spontanée, soit immédiatement lors de la constatation ou après un certain délai de réflexion.

Les produits saisis sont stockés en majorité dans les entrepôts des douanes en attendant une décision de Justice. Ensuite, selon le cas, ils sont utilisés dans un but éducatif (musées), vendus conformément aux dispositions de l'art. 8.6 du Règlement (CE) 338/97 du Conseil du 9 décembre 1996 ou détruits.

2.7 Saisie /confiscation de spécimens vivants d'Annexe B et C au point d'introduction. Envois refusés.

-

2.8 Contrôle des activités commerciales avec des spécimens confisqués

En 1989, un lot 1623 peaux et 3967 flancs de caïmans originaires d'Argentine et à destination de l'Italie a été saisi par la douane d'Anvers et ce parce que les informations reprises sur le permis d'exportation CITES argentin ne correspondaient pas avec la réalité : quantités erronées et mauvaise description des produits. La justice belge a décidé la confiscation des pièces et une vente publique fut organisée. Celle-ci eu lieu le 17/04/1998. Les peaux marquées conformément aux règles de la CITES ont été vendues pour 1.200.000 BEF (30.000 EUROS).

Dans une lettre adressée aux ministres concernés le 06/10/2000 en application avec la résolution Conf. 9.10 Rev., il a été proposé que ce montant soit transmis au Secrétariat CITES à Genève afin de financer des projets de conservation des espèces menacées en Argentine. Un protocole d'accord devrait être établi à ce sujet entre l'Organe de Gestion argentin, l'Organe de Gestion belge et le Secrétariat CITES.

En février 2001, un accord du Ministre des Finances a été obtenu afin de libérer le montant bloqué à l'administration des douanes en vue de le transférer au Secrétariat. Depuis lors, l'Argentine et le Secrétariat préparent le protocole d'accord. L'Argentine souhaite notamment utiliser ce fonds pour étudier le statut de conservation du *Boa constrictor occidentalis* (Annexe I) sur son territoire.

3. Mesures administratives

3.1 Désignation des bureaux de douane pour l'introduction et l'exportation

En application des dispositions de l'art. 12.1 du Règlement (CE) N° 338/97 du Conseil du 9 décembre 1996, les bureaux de douane désignés pour l'importation d'animaux vivants ou de produits CITES sont les suivants :

Lieux d'Introduction	Animaux vivants	Produits dérivés d'espèces animales soumis au contrôle vétérinaire	Produits dérivés d'espèces animales non soumis au contrôle vétérinaire	Plantes vivantes et produits dérivés d'espèces végétales
Anvers - port	--	+	+	+
Bierset (Liège) - aéroport	--	H	+	+
Bruxelles X - postes	--	--	C	C
Deurne (Anvers) - aéroport	--	--	+	+
Gand - port	--	+	+	+
Gosselies (Charleroi) - aéroport	--	E	+	+
Ostende - port	--	--	+	+
Ostende - aéroport	+ (1)	H	+	+
Zaventem (Bruxelles) - aéroport	+	+	+	+
Zeebrugge - port	--	+	+	+

+ = autorisé

-- = non autorisé

(1) = exceptés les ongulés

C = uniquement colis postaux

H = uniquement produits à consommation humaine

E = uniquement produits à consommation humaine emballés

Lieux d'Exportation : tous les bureaux de douanes

3.2 Désignation des bureaux de douane pour les introductions et exportations exceptionnelles

Non désignés.

3.3 Désignation des Organes de Gestion

Jusqu'en octobre 2002, l'administration CITES était dévolue à deux départements du Ministère des Classes moyennes et de l'Agriculture :

* Administration de la Santé animale et de la Qualité des Produits animaux (DG 5), Inspection générale des Services vétérinaires, Service Protection animale et Mouvements pour ce qui concerne les spécimens animaux;

* Administration de la Qualité des Matières premières et du Secteur végétal (DG 4), Inspection générale des Végétaux et Produits végétaux, Service Qualité et protection des végétaux, pour ce qui concerne les spécimens végétaux.

Ces deux administrations étaient situées à l'adresse suivante :

WTC III
Boulevard Simon Bolivar 30
1000 Bruxelles

Depuis le 15 octobre 2002, l'Organe de Gestion CITES belge fait officiellement partie, du Service Public Fédéral (S.P.F.), Santé publique, Sécurité de la Chaîne alimentaire et Environnement.

Les Organes de gestion Plantes et Animaux de l'ex-Ministère de l'Agriculture, appartenant autrefois à deux directions générales, ont été regroupés.

Le déménagement du service a eu lieu début février 2003. Les dernières coordonnées du service (en vigueur depuis le 6 février 2003):

SPF Santé publique, Sécurité de la Chaîne alimentaire
et Environnement - DG 4
Protection animale et CITES
Service CITES
Cité administrative de l'Etat
Boulevard Pachéco, 19, 6^{ème} étage, bte 5
1010 BRUXELLES

Tel :
Directeur : +32 (2) 210 51 34
Faune : +32 (2) 210 51 40
Flore : +32 (2) 210 51 25
Secrétariat : +32 (2) 210 51 09/43/44/45
Fax :
Directeur : +32 (2) 210 48 49
Secrétariat : +32 (2) 210 50 62
Email :
Directeur : georges.evrard@health.fgov.be
Faune : paulus.hermans@health.fgov.be
Flore : anneMadeleine.pironnet@health.fgov.be
Secrétariat : apf.cites@health.fgov.be

3.4 Désignation des autorités scientifiques

Un Comité scientifique a été créé en application de l'article 24 de l'A.R. du 20 décembre 1983. Il est composé de spécialistes en biologie animale et végétale.

La tâche de ce Comité consiste à rendre des avis sur tous les problèmes qui concernent l'application de la Convention et qui sont soulevés par le Ministre qui a la CITES dans ses compétences. Le Comité est également habilité à faire des propositions à propos de la Convention et de son application.

Dans le courant de l'année 2001, la composition du Comité a été légèrement revue, certains membres étant démissionnaires (Mme Champluvier, MM. Voss, Robbrecht et De Meulenaer). Deux nouveaux membres ont été intégrés au Comité : Mme Raymakers, licenciée en biologie marine travaillant chez Traffic Europe, Mr. Ausloos, Docteur en sciences Botaniques, travaillant au Jardin Botanique de Meise comme suppléant de Mme Billiet. Le Comité a également émis un accord de principe sur l'élection d'un président au sein de ses membres.

En date du 31/12/2002, le Comité comprend 5 sections composées des membres effectifs suivants qui ont chacun un suppléant (C = Chef de la Section) :

- Section Mammifères :

- o M. Van Der Straeten E. - Département Biologie, Université d'Anvers (C).
- o M. Joiris C. - Laboratory for Ecotoxicology and Polar Ecology, Université Libre de Bruxelles.

- Section Oiseaux :

- o M. Louette M - Musée Royal d'Afrique Centrale, Tervuren (C)
- o M. Devillers P. - Institut Royal des Sciences Naturelles, Section Evaluation, Bruxelles

- Section Reptiles et autres Vertébrés :

- o M. Meirte D. - Musée Royal d'Afrique Centrale, Service Herpétologie, Tervuren (C)
- o Mme Raymakers C.- Traffic europe, Bruxelles
- o Van Den Sande P. - Société Royale de Zoologie, Anvers
- o M. Michel C. - Institut de Zoologie, Université de Liège

- Section Invertébrés :

- o M. Massin C. - Institut Royal des Sciences Naturelles, Section Evaluation, Bruxelles (C)
- o M. Grootaert P.- Institut Royal des Sciences Naturelles, Section Entomologie, Bruxelles

- Section Plantes :

- o Mme. Billiet F. - Jardin Botanique de Belgique, Meise (C)
- o M. Viane R. - Département de Morphologie, Systématique et Ecologie, Université de Gand

La Présidence est assurée provisoirement par M. Van Den Sande.

Le projet d'Arrêté Royal dont mention au point 1.1. a été élaboré en vue notamment de revoir la composition et le fonctionnement dudit Comité. Dans le cadre de cette restructuration, un appel aux candidats a été lancé en mai 2002 à une série d'Institutions scientifiques (Facultés universitaires de Biologie et de Médecine vétérinaire, Zoos, Musées, ...).

La procédure de nomination s'est poursuivie en 2003.

Trois réunions ont été tenues en 2001:

56^{ème} : 16 mars

57^{ème} : 10 juillet

58^{ème} : 27 novembre

Quatre réunions ont été tenues en 2002:

59^{ème} : 27 mars

60^{ème} : 14 mai

61^{ème} : 10 juillet

62^{ème} : 3 septembre

3.5 Désignation d'autres autorités compétentes

Néant

3.6 Transmission d'informations à la Commission au sujet des autorités désignées

En octobre 2001, les coordonnées actualisées du service ont été transmises à la Commission.

4. Information – Communication.

4.1 Information aux points de passage transfrontalier.

Aucune initiative nouvelle.

4.2 Sensibilisation du public :

* Envois/ publications de documents informatifs:

- Suite à la parution des Annexes CITES résultants de la 11^{ème} COP, publication par le service de la 4^{ème} édition (mars 2001) des listes alphabétiques des espèces animales CITES et non-CITES visées par la réglementation européenne. Ces listes sont reprises sous forme de 5 brochures: une liste alphabétique complète reprenant l'ensemble des animaux protégés ainsi que 4 listes spécifiques : une pour les mammifères, une pour les oiseaux, une pour les reptiles et autres vertébrés et une pour les invertébrés (insectes, coraux, etc..).
- Suite à la parution du Règlement n°1808/01 de la CE, différentes circulaires ont été transmises aux utilisateurs concernés :
 - Circulaire relative au nouveau formulaire de certificat CITES : celle-ci fournissait des explications sur les principaux changements exemples à l'appui. Le nouveau modèle ainsi que les instructions pour le remplir y étaient joints.
 - Circulaire relative à l'identification des spécimens vivants d'espèces d'Annexe A avec des micropuces ISO.
- Transmission d'informations spécifiques destinées à un public ciblé . Sujets :
 - Suspension ou levée de suspension de commerce de spécimens pour un pays particulier ;
 - Actualisation des informations relatives au caviar (nécessité d'étiquetage,..).
 - Formalités à remplir pour les antiquaires, brocanteurs et marchands occasionnels.
- Le guide de référence élaboré par Traffic europe a été complété par notre service pour y inclure les bases légales nationales et européennes, des informations facilitant la compréhension de la réglementation et l'utilisation des différents documents CITES, des renseignements sur le champ d'application international de la Convention et des éléments techniques concernant sa mise en œuvre en Belgique et en Europe. Il est avant tout destiné aux autorités chargées de missions de contrôle ou d'expertises mais aussi aux utilisateurs de spécimens d'espèces protégées. Ce guide est régulièrement mis à jour.

* Communiqués de presse / articles de presse:

- Un communiqué de presse sur le cas de l'importante saisie d'ivoire à Zaventem a été diffusé le 8 août 2001 par Traffic europe . Par ce communiqué , Traffic souhaite souligner l'importance de renforcer les pénalités afin de lutter plus efficacement contre la fraude.
- Un communiqué de presse a été diffusé le 17 juillet 2002 par le Ministre de la protection de la consommation, de la santé publique et de l'environnement. Ce communiqué visait à attirer l'attention des touristes désirant ramener des souvenirs de vacances impliquant des espèces menacées.
- Différents communiqués de presse ont été diffusés par les autorités compétentes à l'occasion des saisies remarquables de reptiles (serpents venimeux..) opérées en 2001 et 2002.

- L'inspection des Recherches des Douanes de l'aéroport de Zaventem (P.Meulenaire) a diffusé un article de presse dans le magazine « Dag Allemaal » en juillet 2001 sur le trafic d'animaux et de plantes exotiques et des produits transitant par la Belgique. Des explications sur ce qu'est un permis CITES y sont fournies ainsi que sur la façon dont les contrôles sont opérés

* Expositions :

- Le Musée des douanes et accises d'Anvers expose, de manière permanente dans son hall d'entrée, des spécimens saisis dans le cadre de l'application de la CITES .
- Des démarches privées ont été entamées fin de l'année 2002 pour bénéficier d'un prêt d'articles saisis sur base de la législation CITES en vue de réaliser une exposition permanente au Parc Paradisio (à Cambron-Casteau) sur la protection de la Biodiversité. Une partie de cette exposition sera dévolue à la problématique CITES. Le démarrage de cette exposition est prévue pour 2003.

4.3 Communication ou information sur les amendements

Suite à la douzième session de la COP (novembre 2002) , le service CITES a envoyé en janvier 2003 une circulaire à tous les importateurs, exportateurs, commerçants, détenteurs d'animaux et végétaux exotiques et/ou produits, associations d'éleveurs, pépiniéristes pour signaler les modifications qui ont été apportées aux Annexes I et II. Elle fournissait également les explications et démarches à suivre en vue de se mettre en règle en cas de détention et commercialisation de ces espèces. Dans ce cadre, elle invitait notamment les destinataires concernés à introduire un inventaire des spécimens d'espèces nouvellement inscrites à l'Annexe I conformément aux dispositions de l'arrêté royal du 20.12.1983 leur permettant ainsi d'obtenir une dérogation pour la détention de ces spécimens.

4.4 Communication et information

- Suite à la 18^{ème} réunion du SRG , transmission à la CE en janvier 2002 des informations relatives à certaines espèces fréquemment élevées en captivité en Belgique (nombre d'éleveurs/production annuelle moyenne, nombre de générations).
- Transmission à la CE en janvier 2002 des données relatives aux importations des « espèces accidentelles » autorisées depuis 1998.

5. Mesures de mise en oeuvre

5.1 Utilisation des modèles de formulaires

Depuis janvier 2000, le système d'établissement des documents CITES est informatisé. Le logiciel de base de données utilisé est ACCESS.

Grâce à ce programme de gestion informatisée des données CITES, les informations nécessaires à l'établissement du rapport annuel sont disponibles plus rapidement. De même, un système de requête permet d'obtenir rapidement différentes informations sur demande: exemples: nombre de permis délivrés pour une certaine espèce, pour un certain pays, pour un certain commerçant, recherche d'un permis sur base de son numéro, etc....

5.2 Délivrance des permis et des certificats

Quand une demande de permis ou de certificat est introduite auprès de notre service, les documents sont délivrés dans la plupart des cas endéans la semaine qui suit la réception de la demande sauf en cas de consultations extérieures.

Lorsque les autorités scientifiques belges ou étrangères ou encore le Secrétariat CITES sont consultés, la période peut être prolongée. Les demandeurs sont alors avertis de ce retard par lettre.

Le nombre total de documents délivrés (pas nécessairement utilisés) en 2001 et 2002 est repris dans le tableau ci-dessous. A titre indicatif, sont également fournis le nombre correspondant pour 1999 et 2000.

	ANIMAUX VIVANTS + PRODUITS				PLANTES + PRODUITS			
	1999	2000	2001	2002	1999	2000	2001	2002
Certificats intra C.E.	1378	1696	2296	2967	-	-	--	1
Permis d'importation (1)	980 (1754*)	1222 (1994*)	1151 (1917*)	1007 (1485*)	63	66	92	55
Permis d'exportation	315 (577*)	499 (1170*)	425 (1083*)	362 (989*)	220 (2)	329** (2)	694 (2)	935 (2)
Certificats de réexportation	221 (350*)	321 (580*)	363 (660*)	285 (478*)	10	11	8	12
TOTAL	2894 (2681*)	3738 (3744*)	4235 (6257*)	4621 (5919*)	293	406	794	1003

(*) ce chiffre reprend le nombre d'espèces correspondant aux documents délivrés (annexes incluses), plusieurs espèces peuvent en effet figurer sur un même document.

(**) plusieurs certificats phytosanitaires n'ont pas été rédigés correctement et concernent plusieurs demandes regroupées. Le nombre de certificat phytosanitaire réel est donc supérieur.

(1) voir diagrammes 1-2-3

(2) y compris les certificats phytosanitaires

L'analyse succincte des importations en fonction des principales catégories est représentées dans les diagrammes figurant dans le fichier « Diagrammes Importations 2001 2002 », pages 2 et 3.

La tendance générale depuis ces quatre dernières années est l'augmentation du nombre total de documents CITES délivrés et utilisés.

* Pour les certificats :

Le nombre de certificats délivrés a pratiquement doublé en l'espace de 4 ans. L'augmentation la plus marquée a été enregistrée pour les années 2001 et 2002. Cette augmentation s'explique notamment par le fait que le service a opté pour la délivrance d'un certificat séparé pour chaque spécimen identifié (« certificat spécimen-spécifique » : Règlement CE n°1808/2001). Les catégories pour lesquelles une augmentation sensible de demandes a été enregistrée, sont les jeunes de reptiles (serpents, tortues) et d'oiseaux de proies nocturnes (tels que chouettes..) nés et élevés en captivité.

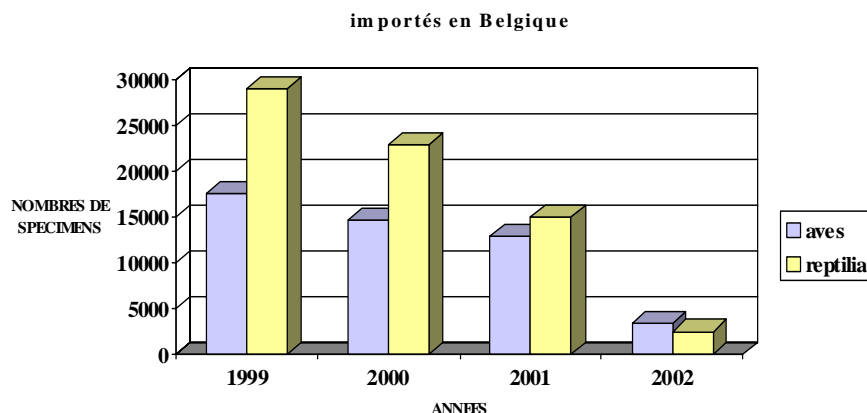
* Pour les permis d'importation :

Les quantités de documents émis par année n'ont pas sensiblement variés .

Au niveau de certains groupe d'espèces , le nombre de spécimens importés a chuté de manière drastique (voir figure Hist 1) :

- o Pour les oiseaux, une forte diminution du nombre de spécimens importés a été constatée principalement pour l'année 2002. Celle-ci s'explique par l'application au 1^{er} novembre 2001 de la Décision 200/666/CC de la Commission du 16/10/2000 arrêtant les conditions de police sanitaire et la certification vétérinaire requise pour les importations d'oiseaux ainsi que les conditions de quarantaines.
- o Pour les reptiles , une forte diminution a été également enregistrée pour l'année 2002. Le principal importateur (90% des reptiles importés) a en effet été contraint, en mai 2001 par décision de sa commune, de fermer le grand entrepôt où il détenait les spécimens importés.

Hist 1: Evolution du nombre de spécimens d'oiseaux et de reptiles vivants des Annexes A et B



Globalement le nombre de permis d'exportation et de certificats de réexportation a connu une diminution ces deux dernières années, exception faite des permis d'exportation pour les Végétaux dont le nombre a presque triplé. Ceci est notamment dû à une meilleure application des règles C.I.T.E.S. lors de l'établissement des certificats phytosanitaires.

Les spécimens d'espèces inscrites à l'Annexe C, en provenance de pays tiers, ne nécessitent pas de permis d'importation. Par contre une notification d'importation doit être remplie par l'importateur ou son agent lors de l'introduction sur le territoire de l'U.E. La même procédure est suivie pour les spécimens d'espèces de l'Annexe D. (Voir tableau qui suit).

	Animaux vivants		Produits animaux		Plantes	
	2001	2002	2001	2002	2001	2002
Nombre de Notifications pour les espèces C III	216	14 (1)	---	1	---	11
Nombre de Notifications pour les espèces D	162	96	---	---	---	--
Total	378	110	---	1	---	11

(1) Cette chute spectaculaire trouve son explication dans la mise en œuvre au 01.11.2001 de la réglementation sanitaire CE, dont les mesures de quarantaine, concernant les oiseaux autres que les volailles (voir explication page 27).

5.3 Rejet des demandes de permis et de certificats

Une procédure interne au Comité Scientifique belge requiert que les avis négatifs émis par une section pour une demande d'importation d'une espèce d'Annexe A ou B soient transmis pour commentaires à l'ensemble des membres du Comité. Si l'avis n'est pas modifié, le service transmet cet avis ainsi que l'argumentation y relative à la Commission européenne.

Les avis négatifs comme positifs des différentes sections sont argumentés de manière fondée (art 4.2.a). Les avis positifs peuvent parfois être accompagnés de certaines recommandations plus spécifiques concernant, par exemple, le transport ou la détention des spécimens. Ces recommandations sont transmises au demandeur et à l'inspecteur vétérinaire concerné. Le demandeur doit alors s'engager à respecter ces recommandations par la signature d'un document prévu à cet effet.

Le nombre de demandes d'avis transmis au Comité Scientifique en 2001-2002 a été environ deux fois moins élevés qu'en 1999-2000, période au cours de laquelle 122 avis ont été émis. Le tableau, ci-dessous, reprend les nombres d'avis émis pour les différentes classes d'animaux ainsi que pour la flore.

CLASSES	2001		2002		TOTAL
	Avis +	Avis -	Avis +	Avis -	
Mammalia	4		3	-	
Aves	10	4	2	1	
Reptilia	19	3	2	-	
Pisces + Amphibia	-	-	2	-	
Invertebrata	1		3	1	
Flora	2	1	1	-	
TOTAL	36	8	13	2	59

Un cas de rejet de demande de document mérite d'être détaillé :

Il s'agit du cas des demandes de certificats pour pouvoir remettre en liberté en Finlande 5 spécimens d'harfangs des neiges introduit par la Ligue Royale Belge pour la Protection des Oiseaux (LRBPO). Deux des spécimens proviennent de la nature et les trois autres étant des spécimens saisis, vraisemblablement issus d'élevage en captivité.

L'avis avait été demandé à la section Oiseaux de notre Comité scientifique.

- Pour les spécimens sauvages, le Comité a marqué son accord pour une remise en liberté à condition qu'ils soient dotés d'une balise et qu'un suivi scientifique soit assuré par les autorités finlandaises. Celles-ci ont finalement refusé d'implanter une balise sur les spécimens.
- Pour les spécimens saisis issus d'élevage, un avis négatif a été émis.

Ensuite, il a été proposé que tous les spécimens (5) soient transférés vers un zoo finlandais. Le Comité a marqué son accord avec cette proposition.

Les spécimens ont dû être identifiés au moyen de microchips. Des certificats ont ensuite été délivrés et les cinq animaux ont été transférés au zoo finlandais en automne 2002.

Dans une information datant du 6 juin 2003, le Comité scientifique finlandais signale que les 5 harfangs des neiges sont toujours détenus en captivité en raison des mauvaises conditions de nourrissage dans la nature à cette époque et signale que lorsque les conditions seront meilleures, les spécimens seront remis en liberté.

5.4 Communication du rejet des demandes

Lorsque la Commission informe le service qu'un autre Etat membre a émis un avis négatif pour l'importation d'une espèce, cet avis ainsi que l'argumentation y relative sont immédiatement transmis à la section concernée de notre Comité Scientifique. Si celui-ci a une quelconque objection par rapport à cet avis, il doit le communiquer au service qui en informe la Commission.

En mars 2001, notre Comité scientifique a émis une objection à l'argumentation des autorités scientifiques danoises pour un avis négatif relatif à l'importation d'espèces de *Scleratinia* en provenance des Iles Salomon et Tonga. Ce point devait faire l'objet d'une discussion lors d'une réunion du SRG (SRG 19).

Dans les autres cas, le Comité a toujours été d'accord avec les avis émis par les autres Etats membres.

5.5 Remplacement des permis et certificats

En ce qui concerne les permis d'importation, environ 1 % des documents sont remplacés par an. Ce remplacement intervient en cas de perte du document original ou lorsque le permis d'exportation a été remplacé par l'Organe de Gestion du pays d'origine /de provenance.

Pour les permis d'exportation ou les certificats de réexportation, le taux de remplacement est également très faible et se limite aux cas de perte de documents originaux.

Le nouveau document CITES émis reprend à la case n°23 la mention suivante: " Ce permis remplace et annule le permis n°....délivré le..... ".

En ce qui concerne les certificats, les cas de remplacement par un document en tous points identiques sont exceptionnels et toujours dûment justifiés.

5.6 Validité des permis et certificats

A l'importation, la période de validité d'un permis d'importation est de 12 mois maximum.
A l'exportation, la période de validité est de 6 mois.

Les certificats CE, délivrés pour des spécimens pour lesquels les caractéristiques physiques ne permettent pas de répondre à l'obligation de marquage (ex : jeunes tortues dont la taille du plastron est inférieure à 10 cm) ont une validité limitée à 1 an. Cette limite de validité est reprise dans la case " condition spéciale".

Avec l'expérience pratique, la validité limitée en temps a été remplacée par une validité limitée dépendant de la taille des spécimens. Ainsi, si le spécimen met deux ans avant d'atteindre la taille de 10 cm , le certificat restera valable pour 2 ans.

5.7 Procédures douanières pour remplir les permis d'importation

Les formalités à suivre concernant les permis d'importation sont reprises dans une instruction des douanes en matière de CITES intitulée « Mesure de protection , faune et flore sauvages, 1998 (CD 595.10) et ses suppléments.

De manière générale, au moment de l'introduction, le bureau de douane procède aux vérifications nécessaires des documents et des spécimens conformément aux prescriptions de la dite instruction. Le douanier vérificateur remplit la case 27 de l'original et la copie destinée au titulaire en y apposant son nom et sa signature, le cachet du bureau de douane et en y mentionnant la quantité réellement importée, le nombre d'animaux morts à l'arrivée, ainsi que le type, le numéro et la date du document douanier délivré. Il appose sur le certificat de vérification de la déclaration en douane la mention " vu permis d'importation n°...du "; remet la copie destinée au titulaire à l'importateur ou son mandataire et renvoie l'original du permis d'importation ainsi que tout document de provenance à l'Organe de Gestion belge.

5.8 Procédures douanières pour compléter les notifications d'importation

Les formalités relatives à la notification d'importation sont également reprises dans l'instruction des douanes susvisée. Lors de l'introduction, le bureau de douane procède aux vérifications nécessaires des documents et des spécimens conformément aux prescriptions de ladite instruction. Le douanier vérificateur remplit la case 14 de l'original et de la copie destinée au titulaire en y apposant son nom et sa signature, le cachet du bureau de douane ainsi que le type, le numéro et la date du document douanier délivré, il appose sur le certificat de vérification de la déclaration en douane la mention " vu notification d'importation n°...du " et remet la copie destinée au titulaire à l'importateur ou son mandataire et renvoie l'original de la notification d'importation ainsi que tout document de provenance à l'Organe de Gestion belge.

5.9 Procédures douanières pour compléter les permis d' exportation et certificats de ré-exportation.

De manière générale, le bureau de douane procède aux vérifications nécessaires des documents et des spécimens conformément aux prescriptions de l'instruction susvisée. Le douanier vérificateur remplit la case 27 de l'original et des copies en y apposant son nom et sa signature, le cachet du bureau de douane ainsi que le type, le numéro et la date du document douanier délivré. Il remet l'original et la copie destinée au titulaire au (ré)exportateur ou à son mandataire, renvoie la copie verte à l'Organe de Gestion belge.

5.10 Points d'introduction et d'exportation: formation du personnel

Les vétérinaires chargés des contrôles aux points d'introduction (principalement ceux de Zaventem et Ostende) ont reçu une série de documents leur permettant d'améliorer / faciliter leur contrôles.

Il s'agit de :

- La 4^{ème} édition (mars 2001) de la liste alphabétique complète reprenant les espèces animales CITES et non-CITES visées par la réglementation européenne. Les annexes y indiquées sont celles du Règlement n°2724/00 du 30.11.2000.
- La 5^{ème} édition (2001) des rapports du JNCC « Checklist of mammaliens, aves, reptiles and others vertebrates, fish and invertebrates.
- Toute information relative au système universel d'étiquetage pour l'identification de caviar
- Toute information relative à l'existence de commerce illicite : Alertes du Secrétariat CITES avec explications dans certains cas.
- Bulletin CITES édités par le Secrétariat
- Compléments de l'instruction de base des douanes au sujet des mesures de protection de faune et flore sauvages CITES ;
- Mise à disposition du livre « Parrots of the world »
- Guide identification « crocodiliens » produit par le Canada . Des commandes ont été lancées pour les guides concernant les esturgeons et spatules ainsi que les papillons.

Pour les douaniers :

- acquisition de 20 manuels d'identification CITES édités par le Secrétariat CITES ;
- acquisition du logiciel informatique " Green Parrot " pour les aéroports de Zaventem et d'Ostende ;
- mise à disposition du Guide d'identification sur les crocodiliens et les oiseaux ;
- mise à disposition du Kit pour l'identification du Shahtoosh destinés aux formations.

Pour la Police Fédérale, Bureau central des recherches (BCR) :

- Un module de formation en environnement d'un an est dispensé à chaque nouvel agent. La matière CITES représente environ 30% des cours.

Au niveau du matériel d'identification, le BCR a acquis :

- le logiciel informatique " Green Parrot " ;
- guides d'identification des oiseaux , des crocodiliens et des tortues CITES produits par le Canada .
- le Kit pour l'identification du Shahtoosh destiné au formation.

5.11. Points d'introduction et d'exportation: hébergements des animaux et des plantes vivantes : formation du personnel

Avec la faillite de la Sabena en 2001, un nouveau groupe « Belgian Ground Services » (BGS) a été amené à gérer, entre-autre, les installations destinées à héberger les animaux au point d'introduction de Zaventem (aéroport de Bruxelles-National).

Des modifications ont été réalisées au niveau des installations destinées à héberger les animaux. Les locaux ont été rénovés notamment pour y améliorer l'hygiène (faux-plafonds lavables, carrelages aux murs.).Le centre d'hébergement dispose de 3 locaux .

Un stock de différents types de nourriture est toujours disponible sur place. Une provision de boîtes " isomo " et des sacs plastiques permettent de ré-emballer les reptiles et les poissons. De l'oxygène est aussi disponible.

Jusqu'à présent, aucune formation spécifique n'a été organisée pour le personnel de la BGS qui s'occupe des animaux. En cas de nécessité, il peut être aussi faire appel à des professionnels notamment du Zoo d'Anvers.

Lorsque des plantes sont saisies, elles sont confiées au Jardin Botanique National.

5.12 Consultation des autres Organes de Gestion avant l'émission de documents

Lors d'une demande de certificat de réexportation, la consultation d'Organes de Gestion d'autres États membres au sujet de la validité des permis d'importation qu'ils ont émis, est peu fréquente, le cas se présentant rarement .

En ce qui concerne les consultations avec les pays tiers, le service a principalement consulté des Organes de Gestion notamment d'Afrique et d'Amérique du Sud. Les informations demandées concernaient plus particulièrement les quotas repris sur les permis d'exportation : données incomplètes ou ne correspondant pas aux Notifications du Secrétariat CITES. Dans certains cas, des informations au sujet des centres d'élevage ont également été demandées.

5.13 Utilisation du certificat phytosanitaire

Pour les spécimens de plantes reproduites artificiellement des espèces inscrites aux Annexes B et C et d'hybrides reproduits artificiellement à partir d'espèces non annotées inscrites à l'Annexe A, un certificat phytosanitaire conforme au modèle repris dans l'arrêté royal du 3 mai 1994 relatif à la lutte contre les organismes nuisibles aux végétaux et aux produits végétaux et ses modifications, peut être utilisé au lieu d'un permis d'exportation ou d'un certificat de réexportation.

Cette dérogation est largement utilisée dans notre pays. Ces certificats sont délivrés par les services extérieurs du Service de la Protection des végétaux. Cependant il reste certains points à améliorer afin d'obtenir une utilisation optimale de cette dérogation.

Certificats délivrés:

2001: 780

2002 : 329

5.14 Information reprise sur le certificat phytosanitaire

L'information relative au destinataire et à l'identification des espèces reste le problème majeur de l'utilisation du certificat phytosanitaire.

5.15 Renvoi des documents présentés à la douane aux autorités qui les ont émis.

Les documents CITES délivrés par l'Organe de Gestion belge ou par un autre État membre et présentés à un bureau de douane belge sont renvoyés mensuellement par la douane à notre service. Les documents sont regroupés par pays et transmis aux Organes de Gestion concernés avec les documents y relatifs.

Une liste de ces opérations est reprise ci-dessous sauf pour les notifications d'importation qui ont été renvoyées aux Organes de Gestion sans comptabilisation.

Transmission de documents

Code ISO du pays délivrance	Années de	Permis d'importation délivrés par l'État Membre	Permis d'exportation délivrés par l'État Membre	Certificats ou Permis du pays d'origine ou de provenance
NL	2001	298	14	406
	2002	284	9	13 + 183
DE	2001	9	0	50
	2002	3	1	9
FR	2001	8	0	18
	2002	8	1	3
IT	2001	2	0	1
	2002	1	1	1
SP	2001	-	-	-
	2002	-	-	-
PT	2001	-	-	-
	2002	1	-	-
UK	2001	14	0	11
	2002	-	-	4

5.16 Procédures douanières pour la transmission des documents aux Organes de Gestion

La douane renvoie mensuellement le paquet de documents cités au point 5.15 et fournit un tableau récapitulatif reprenant la date de l'importation, le numéro du permis d'importation, le numéro du permis d'exportation ou certificat de réexportation, la classe d'animaux ou de plantes s'y référant, la quantité, le pays de provenance, le pays de destination, le numéro de document douanier. Une case "remarque " est également prévue pour indiquer le nombre de spécimens morts à l'arrivée.

5.17 Demande de certificat

Pour obtenir un certificat délivré en application de l'art 10 du Règlement n°338/97, le demandeur remplit le formulaire de demande de certificat prévu à cet effet. Il le reçoit accompagné des instructions pour le remplir ainsi que d'une note mentionnant les pièces justificatives qu'il doit fournir avec la demande.

En cas de demande de certificat pour des spécimens nés et élevés en captivité, le demandeur doit également remplir un formulaire "d'attestation d'élevage". Ce formulaire reprend les informations relatives au(x) spécimen(s) ainsi que celles de ses géniteurs (n° de certificat CITES des parents, n° d'identification, etc....).

Une demande de certificat peut contenir au maximum une annexe. Jusqu'au 16 juin 2003, par certificat délivré, il était demandé la somme de 5 EUROS sous forme de timbre fiscal à apposer sur la demande. Depuis cette date, les montants ont été augmentés : pour les certificats, la redevance est de 12.50 EUROS par espèce.

5.18 Étiquettes et numéro d'enregistrement pour les institutions scientifiques

La Belgique compte six institutions scientifiques bénéficiant de la dérogation prévue à l'article 7.4 du règlement n°338/97 du Conseil. Cette dérogation facilite les échanges non commerciaux pour les spécimens d'herbiers ou de musées entre institutions scientifiques similaires.

Il s'agit des établissements suivants :

* BE 001: Musée Royal d'Afrique Centrale
Chaussée de Louvain 13
1980 TERVUREN

* BE 002 : Institut Royal des Sciences Naturelles
Rue Vautier 29
1040 BRUXELLES

* BE 003: Jardin Botanique National
Domaine de Bouchout
1860 MEISE

* BE 004 :Université d'Anvers
Laboratoire de Zoologie Générale
Groenenborgerlaan 171
2020 ANTWERPEN

* BE 005 : Institut Zoologique
Université Catholique de Louvain
Naamsestraat 61
3000 LEUVEN

* BE 006 : Université de Gand
Département de Morphologie, Systématique et Ecologie
Laboratoire de Botanique
K.L. Ledeganckstraat 35
9000 GENT

Un stock de 100 étiquettes numérotées (modèle Règlement n°939/97) avait été transmis en 1998 à chaque institution concernée avec une instruction pour leur utilisation. Depuis lors, seul, le Musée d'Afrique Central a renvoyé un talon pour l'échange de 6 spécimens de *Caecobarbus geertsii* (annexe BII) vers le Bell Museum Natural History aux Etats Unis. En ce qui concerne les spécimens de plantes, 3 talons ont été renvoyés en 2000 par le Jardin Botanique de Meise. Il s'agit d'un transfert de 10 spécimens de *Bulbophyllum spp* et *Oncidium excavatum* vers l'Afrique du sud ; de racines de *Microcaelia* et *Chiloschita* vers les Etats Unis et des spécimens de *Selenicercus spp* vers la Suède.

Aucun talon n'a été renvoyé pour la période 2001-2002.

5.19 Bureau de douane autre que le bureau de douane au point d'introduction

Les contrôles vétérinaires doivent avoir lieu aux postes d'inspection frontaliers reconnus (voir point 3.1).

Lorsque des spécimens soumis à un contrôle sanitaire sont présentés à un autre bureau de douane, le responsable de la douane en question doit avertir directement l'inspecteur vétérinaire local et se conformer à ses directives; ce dernier peut alors prescrire qu'ils soient dirigés sous surveillance douanière vers un bureau de son choix (pour les animaux vivants: en pratique seulement Zaventem ou Ostende).

A l'introduction dans la CE, en principe quand les spécimens sont importés par mer, par air ou par chemin de fer pour être expédiés par le même mode de transport et sans stockage à un autre bureau de douane dans la Communauté, les contrôles et la présentation des documents CITES sont effectués à ce dernier bureau.

5.20 Établissement de l'ascendance afin de déterminer si un spécimen est né et élevé en captivité

Le service n'a pas eu recours à la procédure d'analyse de l'ADN afin de déterminer l'origine d'un spécimen.

5.21 Méthodes de marquage

Beaucoup d'associations d'éleveurs d'oiseaux procèdent à la distribution de bagues. Il est envisagé de prendre un arrêté ministériel pour fixer certaines conditions et en assurer la traçabilité.

5.22 Normes de rapportage : rapport annuel sur le commerce

Le rapport annuel établi conformément à l'article 15 a) du Règlement n°939/97 et à l'art. VIII. 7 de la CITES est basé sur les données des transactions relatives aux importations, exportations et réexportations de spécimens de plantes et d'animaux qui ont été réalisées et non pas sur celles des documents délivrés.

D'autres informations utiles y sont également incluses, notamment des diagrammes détaillés et des informations sur les saisies réalisées.

Afin de fournir un rapport complet et précis, la date limite du 15 juin prévue par le Règlement n'a pu toujours être respectée. En effet, certaines transactions doivent être confirmées par les commerçants et/ou particuliers et les réponses peuvent arriver tardivement. Cependant, le rapport annuel 2001 a été transmis au WCMC le 18/09/2002 et celui de 2002 le 29/09/2003 soit dans le délai prévu par la CITES (Res Conf 11.17) mais au-delà de celui fixé par le Règlement 338/97.

5.23 Nécessité de rapportage : Taux de mortalité

Les vétérinaires de contrôle de l'aéroport de Zaventem et d'Ostende établissent lors de l'importation d'oiseaux exotiques en provenance d'un pays tiers un document de contrôle qui décrit dans quelle mesure les normes IATA pour le transport d'animaux vivants par voie aérienne sont respectées.

Pour certaines espèces, telles que reprises dans la notification n°1999/48 du Secrétariat CITES, un formulaire reprenant les données sur la mortalité pendant le transport doit être rempli par les vétérinaires de contrôles au point d'Inspection frontalier où l'envoi est déclaré.

Les données relatives à l'année 2001 se retrouvent dans le tableau ci-après. Le service transmet périodiquement les formulaires originaux remplis avec un tableau récapitulatif au Secrétariat CITES. Des copies de ces formulaires ainsi que des permis d'importation y relatifs sont également transmis aux Organes de Gestion des États Membres ayant émis les permis d'importation.

Le projet étant terminé en 2002, plus aucune donnée n'a été collectée pour cette année.

NOTIFICATION 1999/48 – MORTALITY AND INJURIES DURING TRANSPORT OF ANIMALS
 PERIOD 01/01/01 – 31/12/01

	BELGIUM			FRANCE			GERMANY			ITALY			NETHERLANDS			SPAIN			U.K			TOTALS							
	A	B	C	A	B	C	A	B	C	A	B	C	A	B	C	A	B	C	A	B	C	A	B	C					
<i>Chlorocebus aethiops</i>	3	2	204																							3	2	204	
<i>Macaca fascicularis</i>	1	0	46				1	0	100				5	2	600												7	2	745
<i>Amazona amazonica</i>													10	3	1.689												10	3	1.689
<i>Psittacus erithacus</i>	31	6	4.039				3	0	400	1	0	200	95	33	14.135							2	3	400			132	42	19.174
<i>Chaemeleo senegalensis</i>	2	7	400	2	11	223							3	0	174	1	1	111									8	19	1.181
<i>Python sebae</i>	1	0	20																								1	0	20
TOTAL	38	15	5.008	2	11	223	4	0	500	1	0	200	113	38	16.571	1	1	111	2	3	400	161	68	400			161	68	23.013

A = Number consignments
 B = Number dead on arrival
 C = number imported

5.24 Nécessité de rapportage : Rapport bisannuel

Grâce aux " Lignes directrices pour produire un rapport bisannuel " réalisé par TRAFFIC, notre service a pu produire un document reflétant au mieux les applications des règlements concernés, les tendances commerciales, les actions et réalisations qui ont été menées ainsi que les problèmes auxquels l'Organe de Gestion a été confronté.

5.25 Autres activités pour améliorer l'efficacité de la mise en œuvre des Règlements au niveau national dans les États membres.

Pour améliorer le fonctionnement du Comité scientifique, notre service a entamé des démarches pour engager un biologiste. Celui-ci serait désigné comme secrétaire permanent du Comité scientifique et servirait de relais entre le Comité et l'Organe de Gestion. Les démarches n'ont pas abouti à ce stade.

Dans le cadre de la réorganisation des Services et le transfert des compétences, toujours en cours en 2003, il est prévu d'étendre le nombre de contrôleur sur le terrain.

6. Mesures pour améliorer l'efficacité des Règlements communautaires et de CITES au de-là des frontières nationales

6.1 Support financier

En application de la résolution Conf.10.1, une contribution de 73 518 FS a été versée pour 2001 ainsi que pour 2002 au fonds d'affectation spécial CITES.

La Belgique, via son Secrétariat d'Etat à la Coopération au Développement, a alloué pour la période 2001-2002 un montant de 300.000 € au PNUE dans la cadre du co-financement du projet MIKE (Monitoring of Illegal Killing of Elephants).

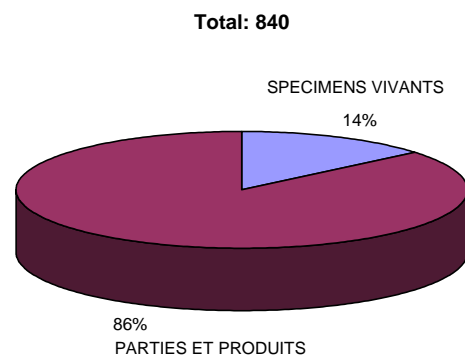
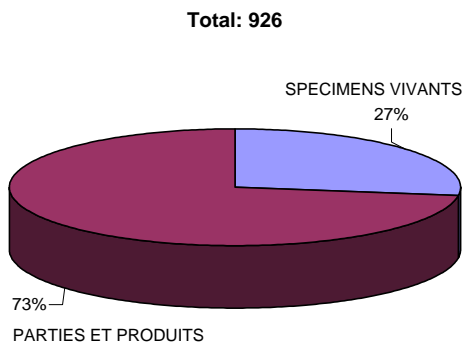
Aantal invoervergunningen		Levende Vogels		Levende Reptielen		Planten	
2001	2002	2001	2002	2001	2002	2001	2002
253	117	2716	58	10180	1457	49	22
676	723	332	24	421	300	26	15
		9791	3304	4106	674	1	7
154	71			259	131	11	10
13	9	2216	50			2	6
77	36	300	8	1449	165	2	5
6	1	200		302	191		
3				279	100		
				350	1000		
13	24	2771	400	49			
15	16	2301	31	590			
27	26	206	234	161			
5	11	32	12	7000			
41	45	471	149				
1	601	58	66	12	111		
574		3943	2412	125	20		
				50			
				72			

IMPORTATIONS 2001

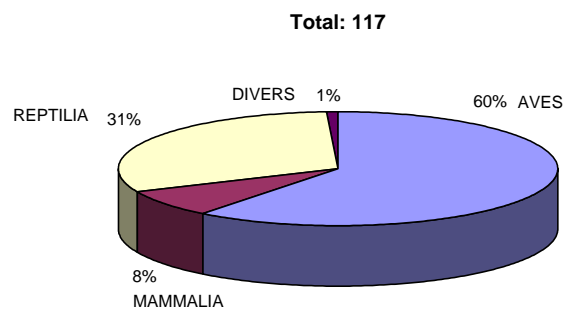
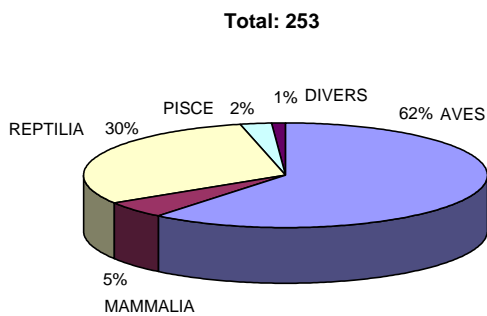
IMPORTATIONS 2002

IMPORTATIONS D'ANIMAUX ET DE PRODUITS D'ANIMAUX

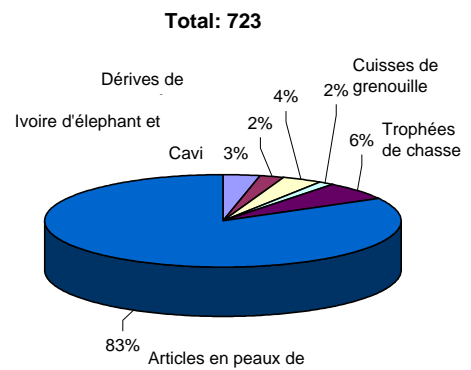
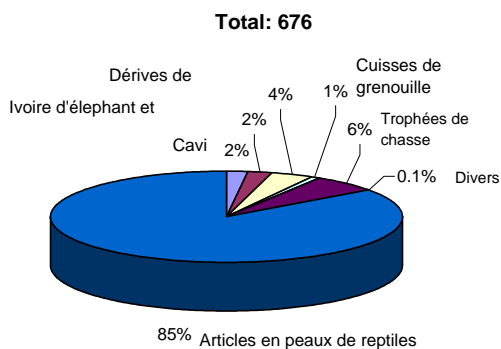
Nombre de permis d'importation délivrés et utilisés
(espèces de l'annexe A/B)



Spécimens vivants: nombre de permis d'importation délivrés et utilisés



Parties et produits: nombre de permis d'importation délivrés et utilisés par catégorie

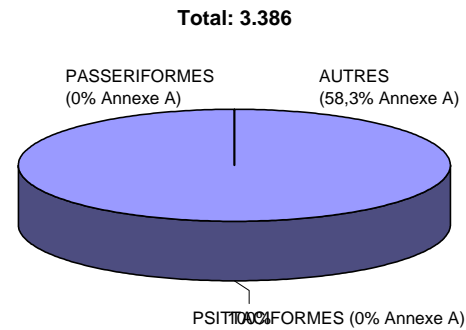
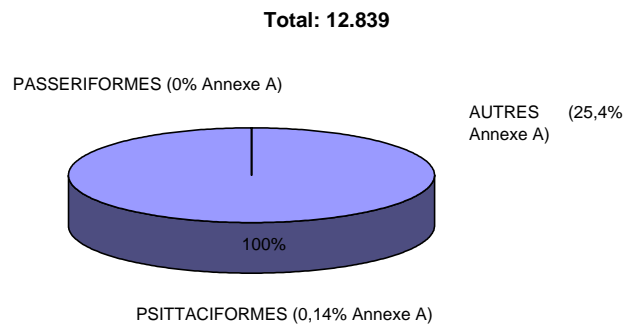


IMPORTATIONS 2001

IMPORTATIONS 2002

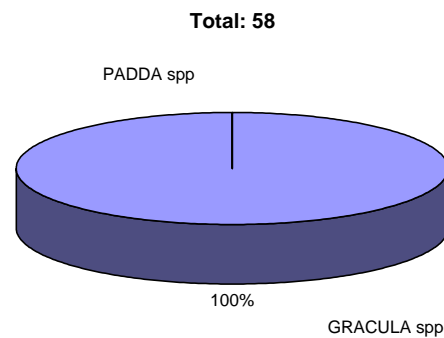
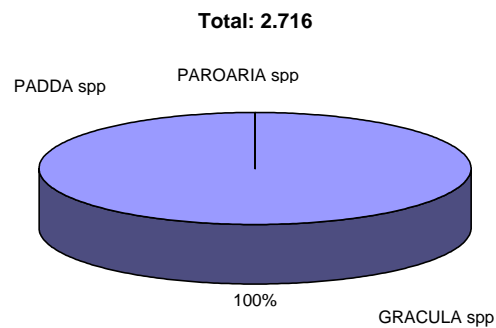
OISEAUX VIVANTS

Nombre d'oiseaux importés par ordre (espèces de l'annexe A et B)



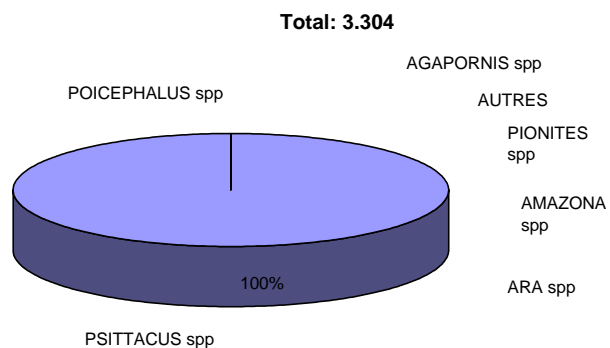
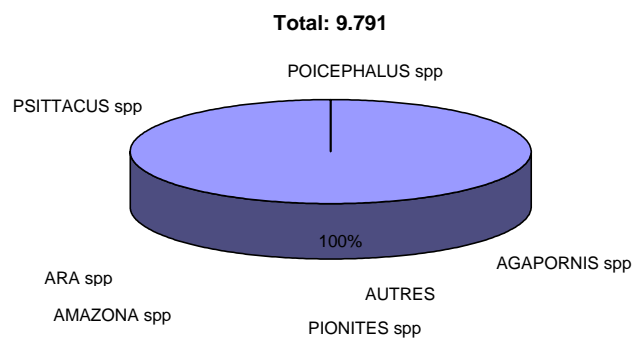
Passeriformes:

Nombre de spécimens importés (Annexe B) par genre



Psittaciformes:

Nombre de spécimens importés (Annexe B) par genre

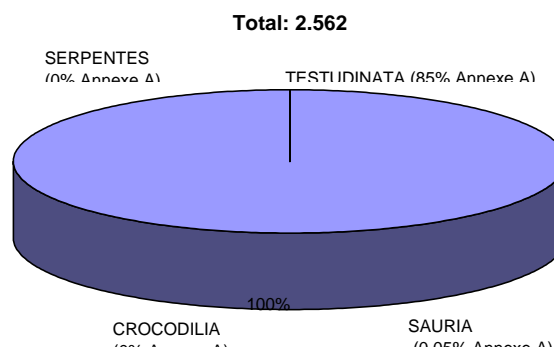
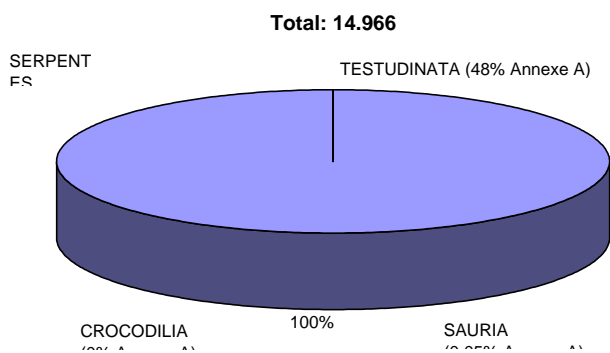


IMPORTATIONS 2001

IMPORTATIONS 2002

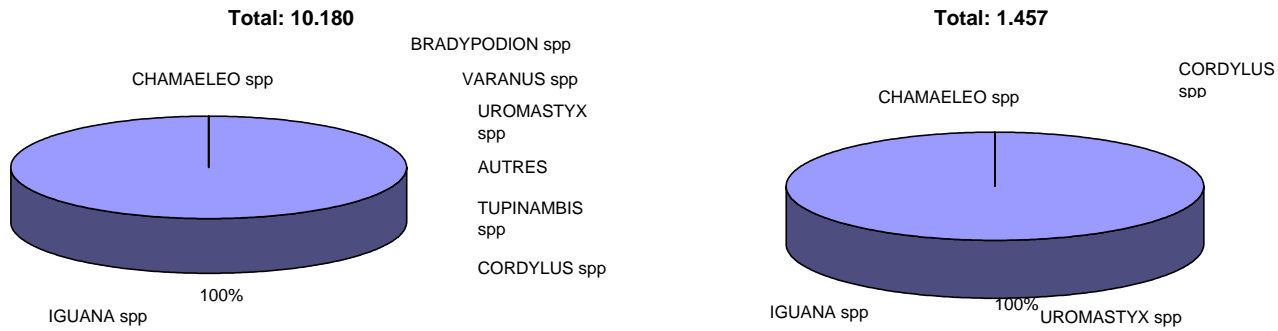
REPTILES VIVANTS

Nombre de spécimens importés (Annexes A et B) par ordre



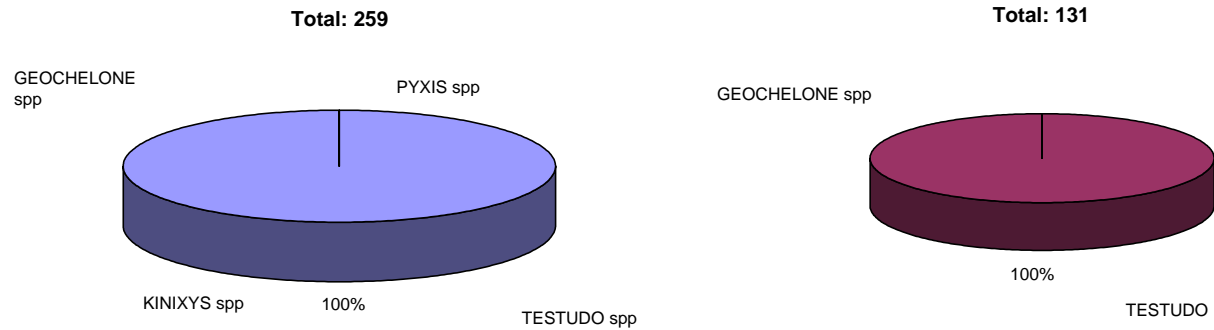
Sauria:

Nombre de spécimens importés (Annexe B) par genre



Testudinata:

Nombre de spécimens importés (Annexes A et B) par genre

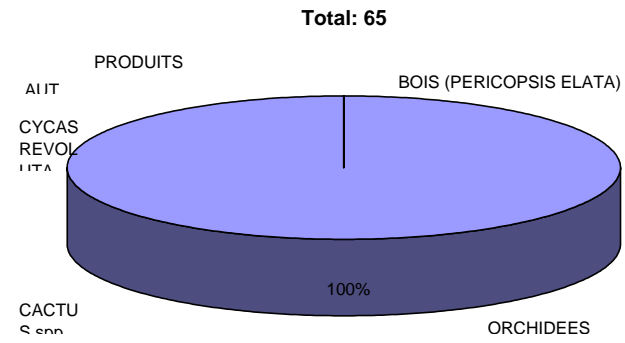
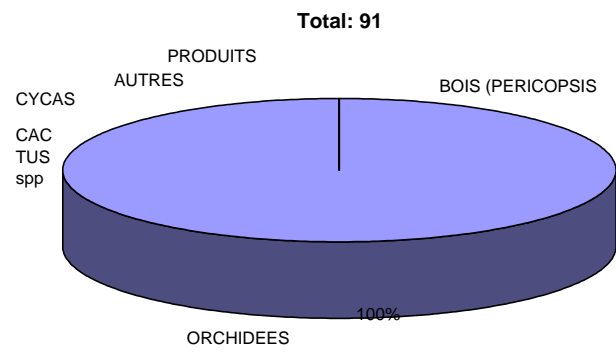


IMPORTATIONS 2001

IMPORTATIONS 2002

IMPORTATIONS DE PLANTES ET DE BOIS

Nombre de permis d'importation délivrés et utilisés



CITES - Saisies 2001 - 2002 FAUNA - FLORA

1	2	3	4	5	6	7	8	9	10	11	12	13
1	03-Jan-01	Importation	US	BE	Avion passagers	Scleractinia spp.	Coraux durs	B/II	SKE	1		DOUANE ZAVENTEM
2	11-Jan-01	Importation	CD	BE	Courrier aérien	Ursus americanus	Ours noir	B/II	SKI	5	15x80 cm	DOUANE BRUXELLES
3	12-Jan-01	Importation	PH	BE	Avion passagers	Scleractinia spp.	Coraux durs	B/II	SKE	5		DOUANE ZAVENTEM
4	12-Jan-01	Importation	SG	BE	Avion passagers	Tridacna spp.	Bénitiers	B/II	SKE	1		DOUANE ZAVENTEM
5	19-Jan-01	Importation	CD	BE	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM
6	30-Jan-01	Transit	CD	LY	Avion passagers	Crocodylus niloticus	Crocodile du Nil	A/I	BOD	1		DOUANE ZAVENTEM
7	01-Feb-01	Commerce	XX	XX	Inconnu	Calanthe repens	Orchidée	B/II				Police Fédérale - DGJ - Environnement
8	11-Feb-01	Transit	SR	NL	Avion passagers	Crocodylus niloticus	Crocodile du Nil	A/I	BOD	1		DOUANE ZAVENTEM
9	22-Feb-01	Détention			Inconnu	Chelonia mydas	Tortue verte	A/I	CAP	1		DOUANE BRUXELLES
10	01-Mar-01	Transit	ID	NL	Fret aérien	Scleractinia spp.	Coraux durs	B/II	LIV	14		DOUANE ZAVENTEM G.A.D.
11	05-Mar-01	Importation	CD	BE	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
12	08-Mar-01	Importation	KE	BE	Avion passagers	Scleractinia spp.	Coraux durs	B/II	SKE	U		DOUANE ZAVENTEM G.A.D.
13	08-Mar-01	Importation	KE	BE	Avion passagers	Aloe saponaria		B/II	LIV	3		DOUANE ZAVENTEM
14	14-Mar-01	Exportation	BE	IL	Avion passagers	Psittacus erithacus	Perroquet gris	B/II	LIV	40		INSPECTION VETERINAIRE, Anvers
15	15-Mar-01	Transit	ML	TU	Fret aérien	Crocodylus niloticus	Crocodile du Nil	A/I	BOD	1		DOUANE ZAVENTEM G.A.D.
16	22-Mar-01	Importation	UK	BE	Route	Haliaeetus leucocephalus	Aigle pêcheur	A/I	LIV	2		POLICE FEDERALE
17	22-Mar-01	Transit	BB	GM	Courrier aérien	Cercopithecus aethiops	Singe vert	B/II	SPE	2	2x10 ml	DOUANE ZAVENTEM G.A.D.
18	23-Mar-01	Exportation	BE	US	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
19	25-Mar-01	Importation	AZ	BE	Courrier aérien	Acipenseriformes	Caviar	B/II	EGG	0,5kg		DOUANE ZAVENTEM G.A.D.
20	25-Mar-01	Transit	CD	ES	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	TUS	4		DOUANE ZAVENTEM G.A.D.
21	28-Mar-01	Exportation	BE	US	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
22	03-Apr-01	Transit	LR	CZ	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM
23	06-Apr-01	Importation	CR	BE	Poste	Orchidae spp.	Orchidées	B/II	LIV	41		DOUANE ZAVENTEM
24	12-Apr-01	Importation	CR	BE	Poste	Orchidae spp.	Orchidées	B/II	LIV	31		DOUANE ZAVENTEM
25	17-Apr-01	Importation	CD	BE	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	CAR	13		DOUANE ZAVENTEM G.A.D.
26	17-Apr-01	Transit	CD	RU	Courrier aérien	Hippopotame amphibius	Hippopotame	B/II	CAR	2		DOUANE ZAVENTEM G.A.D.
27	17-Apr-01	Transit	CD	RU	Courrier aérien	Naja naja	Serpent à lunette	B/II	LPS	1		DOUANE ZAVENTEM G.A.D.
28	17-Apr-01	Transit	CD	RU	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	CAR	3		DOUANE ZAVENTEM G.A.D.
29	23-Apr-01	Importation	CR	BE	Poste	Orchidae spp.	Orchidées	B/II	LIV	21		DOUANE ZAVENTEM
30	24-Apr-01	Importation	TH	BE	Avion passagers	Orchidae spp.	Orchidées	B/II	LIV	3		DOUANE ZAVENTEM
31	03-May-01	Transit	GN	UA	Courrier aérien	Varanus spp.	Varans	B/II	LPS	6		DOUANE ZAVENTEM G.A.D.
32	03-May-01	Transit	GN	UA	Courrier aérien	Python spp.	Pythons	B/II	LPS	11		DOUANE ZAVENTEM G.A.D.
33	03-May-01	Transit	GN	DE	Fret aérien	Lagonosticta rubricata	Fringillidés	C/III	LIV	150		REFOULEMENT SVDA
34	06-May-01	Importation	HK	BE	Avion passagers	Testudinidae spp.	Tortues terrestres	A-B/I-II	SKE	6		DOUANE ZAVENTEM
35	10-May-01	Commerce	BE	BE	Inconnu	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ANVERS

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36	10-May-01	Commerce	BE	BE	Inconnu	Elephas maximus	Eléphant d'Asie	A/I	SKI	1		DOUANE ANVERS
1	2	3	4	5	6	7	8	9	10	11	12	13
37	10-May-01	Commerce	BE	BE	Inconnu	Tridacna gigas	Bénitier géant	B/II	SHE	1		DOUANE ANVERS
38	11-May-01	Transit	TG	DE	Courrier aérien	Varanus spp.	Varans	B/II	LPS	3 p. chaussures		DOUANE ZAVENTEM G.A.D.
39	11-May-01	Transit	TG	DE	Courrier aérien	Python spp.	Pythons	B/II	LPS	2 p. chaussures		DOUANE ZAVENTEM G.A.D.
40	13-May-01	Importation	CD	BE	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
41	13-May-01	Importation	CD	BE	Courrier aérien	Crocodylus niloticus	Crocodile du Nil	A/I	BOD	1		DOUANE ZAVENTEM G.A.D.
42	13-May-01	Importation	CD	BE	Courrier aérien	Varanus spp.	Varans	B/II	BOD	1		DOUANE ZAVENTEM G.A.D.
43	13-May-01	Importation	CD	BE	Courrier aérien	Cheloniidae spp.	Tortues marines	A/I	BOD	2		DOUANE ZAVENTEM G.A.D.
44	13-May-01	Importation	CD	BE	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
45	16-May-01	Importation	AZ	BE	Courrier aérien	Acipenseriformes	Caviar	B/II	EGG	0,5kg		DOUANE ZAVENTEM G.A.D.
46	26-May-01	Importation	TN	BE	Avion passagers	Uromastyx spp.	Lézard	B/II	LIV	3		DOUANE ZAVENTEM G.A.D.
47	26-May-01	Importation	TN	BE	Avion passagers	Testudo graeca	Tortue mauresque	A/II	CAP	1		DOUANE ZAVENTEM G.A.D.
48	26-May-01	Importation	TN	BE	Avion passagers	Uromastyx spp.	Fouettes queue	B/II	LIV	3		DOUANE ZAVENTEM G.A.D.
49	26-May-01	Importation	TN	BE	Avion passagers	Uromastyx spp.	Fouettes queue	B/II	LIV	3		DOUANE ZAVENTEM G.A.D.
50	27-May-01	Importation	CR	BE	Poste	Orchidae spp.	Orchidées	B/II	LIV	310		DOUANE ZAVENTEM
51	01-Jun-01	Importation	XX	BE	Inconnu	Loxodonta africana	Eléphant africain	A/I	CAR	3		DOUANE ZAVENTEM G.A.D.
52	05-Jun-01	Détention				Geochelone gigantea	Tortue géante	B/II	LIV/BOD	8		POLICE FEDERALE
53	09-Jun-01	Transit	CD	US	Fret aérien	Chamaeleo gracilis eteinei	Caméléon gracile	B/II	LIV	78		DOUANE ZAVENTEM G.A.D.
54	10-Jun-01	Importation	AZ	BE	Courrier aérien	Acipenseriformes	Caviar	B/II	EGG	0,5kg		DOUANE ZAVENTEM
55	18-Jun-01	Transit	CD	NL	Fret aérien	Psittacus e. erithacus	Perroquet gris	B/II	LIV	272		REFOULEMENT SVDA
56	19-Jun-01	Importation	CR	BE	Poste	Orchidae spp.	Orchidées	B/II	LIV	217		DOUANE ZAVENTEM
57	20-Jun-01	Importation	TH	BE	Courrier aérien	Python reticulatus	Python réticulé	B/II	LPS	3		DOUANE ZAVENTEM G.A.D.
58	21-Jun-01	Détention				Falco tinnunculus	Faucon crécerelle	A/II	LIV	6		INSPECTION VETERINAIRE, Kortrijk
59	24-Jun-01	Transit	CD	PT	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	22		DOUANE ZAVENTEM G.A.D.
60	24-Jun-01	Transit	CD	PT	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	22		DOUANE ZAVENTEM G.A.D.
61	27-Jun-01	Registre	XX	BE	Inconnu	Iguana iguana	Iguane commun	B/II	LIV	3		INSPECTION VETERINAIRE HAINAUT
62	27-Jun-01	Registre	XX	BE	Inconnu	Python curtus	Python malais	B/II	LIV	1		INSPECTION VETERINAIRE HAINAUT
63	27-Jun-01	Registre	XX	BE	Inconnu	Varanus exanthematicus	Varan des savanes	B/II	LIV	1		INSPECTION VETERINAIRE HAINAUT
64	27-Jun-01	Registre	XX	BE	Inconnu	Boa constrictor	Boa constrictor	B/II	LIV	1		INSPECTION VETERINAIRE HAINAUT
65	27-Jun-01	Transit	CD	NL	Fret aérien	Psittacus e. erithacus	Perroquet gris	B/II	LIV	100		REFOULEMENT SVDA
66	30-Jun-01	Importation	KZ	BE	Avion passagers	Acipenseriformes	Caviar	B/II	EGG	U		DOUANE ZAVENTEM
67	30-Jun-01	Transit	ML	CN	Fret aérien	Loxodonta africana	Eléphant africain	A/I	TUS/CAR	477		DOUANE ZAVENTEM G.A.D.
68	30-Jun-01	Transit	ML	CN	Fret aérien	Leptailurus serval	Serval	B/II	SKI	2		DOUANE ZAVENTEM G.A.D.
69	30-Jun-01	Transit	ML	CN	Fret aérien	Crocodylus niloticus	Crocodile du Nil	A/I	LPS	86		DOUANE ZAVENTEM G.A.D.
70	30-Jun-01	Transit	ML	CN	Fret aérien	Varanus spp.	Varans	B/II	LPS	7		DOUANE ZAVENTEM G.A.D.

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71	30-Jun-01	Transit	ML	CN	Fret aérien	Inconnu	Tortue terrestre	A-B/I-II	CAP	5		DOUANE ZAVENTEM G.A.D.
72	30-Jun-01	Transit	ML	CN	Inconnu	Geochelone sulcata	Tortue sillonnée	B/II	SCA	1		DOUANE ZAVENTEM G.A.D.
1	2	3	4	5	6	7	8	9	10	11	12	13
73	03-Jul-01	Transit	CD	FR	Avion passagers	Osteolaemus tetraspis	Crocodile nain africain	A/I	BOD	1		DOUANE ZAVENTEM
74	03-Jul-01	Transit	CD	FR	Avion passagers	Varanus spp.	Varans	B/II	BOD	1		DOUANE ZAVENTEM
75	05-Jul-01	Transit	CD	CN	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	10		DOUANE ZAVENTEM
76	18-Jul-01	Transit	CD	PL	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	2,3kg		DOUANE ZAVENTEM
77	18-Jul-01	Transit	RW	PL	Inconnu	Loxodonta africana	Eléphant africain	A/I	CAR	263	3	DOUANE ZAVENTEM PASSAGERS
78	18-Jul-01		VE	BE	Poste	Orchidae spp.	Orchidées	B/II	LIV	25		DOUANE ZAVENTEM
79	25-Jul-01	Importation	RW	BE	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
80	03-Aug-01	Transit	SN	FR	Avion passagers	Cheloniidae spp.	Tortues marines	A/I	CAP	1		DOUANE ZAVENTEM
81	10-Aug-01	Transit	ML	RO	Fret aérien	Varanus spp.	Varans	B/II	LPS	25		DOUANE ZAVENTEM G.A.D.
82	10-Aug-01	Transit	ML	RO	Fret aérien	Crocodylus spp.	Crocodile	A/I-B/II	LPS	50		DOUANE ZAVENTEM G.A.D.
83	10-Aug-01	Transit	ML	RO	Fret aérien	Python spp.	Pythons	B/II	LPS	25		DOUANE ZAVENTEM G.A.D.
84	29-Aug-01	Importation	DZ	BE	Avion passagers	Uromastix acanthinura	Fouette-queue épineux	B/II	BOD	2		DOUANE CHARLEROI Aéroport
85	29-Aug-01	Importation	MA	BE	Avion passagers	Psittacus e. timneh	Perroquet timneh	B/II	LIV	1		DOUANE ZAVENTEM
86	31-Aug-01	Exportation	BE	IT	Avion passagers	Elephas maximus	Eléphant d'Asie	A/I	TUS	1		DOUANE CHARLEROI Aéroport
87	11-Sep-01	Importation	ID	BE	Fret aérien	Python curtus	Python malais	B/II	LIV	2		DOUANE ZAVENTEM
88	13-Sep-01	Transit	CD	PT	Avion passagers	Python spp.	Pythons	B/II	SKI	5		DOUANE ZAVENTEM
89	13-Sep-01	Transit	CD	PT	Avion passagers	Varanus spp.	Varans	B/II	SKI	1		DOUANE ZAVENTEM
90	15-Sep-01	Transit	CD	HK	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	109		DOUANE ZAVENTEM
91	17-Oct-01	Transit	CI	UA	Avion passagers	Psittacus e. erithacus	Perroquet gris	B/II	LIV	30		DOUANE ZAVENTEM G.A.D.
92	17-Oct-01	Transit	CI	UA	Avion passagers	Psittacus e. timneh	Perroquet timneh	B/II	LIV	79		DOUANE ZAVENTEM G.A.D.
93	19-Oct-01	Importation	CI	BE	Poste	Cycas revoluta		B/II	LVS	6kg		DOUANE ZAVENTEM
94	24-Oct-01	Importation	BJ	BE	Fret aérien	Cercopithecus spp.	Cercopithèque	B/II	MEA	U		DOUANE ZAVENTEM G.A.D.
95	24-Oct-01	Importation	BJ	BE	Fret aérien	Manis tetradactyla	Tétradactyla	B/II	MEA	U		DOUANE ZAVENTEM G.A.D.
96	31-Oct-01	Importation	EG	BE	Avion passagers	Crocodylus spp.	Crocodile	A/I	LPL	2		DOUANE ZAVENTEM
97	31-Oct-01	Importation	EG	BE	Avion passagers	Naja spp.	Naja	B/II	LPL	1		DOUANE ZAVENTEM
98	06-Nov-01	Importation	TO	BE	Fret aérien	Scleractinia/Tubiporidae spp.	Coraux	B/II	COR	17		DOUANE ZAVENTEM G.A.D.
99	06-Nov-01	Importation	TO	BE	Fret aérien	Tridacnidae spp.	Bénitiers	B/II	SKE	1		DOUANE ZAVENTEM G.A.D.
100	23-Nov-01	Transit	AE	UK	Avion passagers	Circaetus gallicus	Circaète Jean-le-Blanc	A/II	LIV	1		DOUANE OSTENDE
101	11-Dec-01	Importation	MZ	BE	Fret aérien	Goniospora spp.	Coraux	B/II	SKE	1		DOUANE ZAVENTEM G.A.D.
102	11-Dec-01	Importation	MZ	BE	Fret aérien	Osteolaemus tetraspis	Crocodile nain africain	A/I	BOD	1		DOUANE ZAVENTEM G.A.D.
103	11-Dec-01	Importation	MZ	BE	Fret aérien	Cheloniidae spp.	Tortues marines	A/I	CAP	1		DOUANE ZAVENTEM G.A.D.
104	11-Dec-01	Importation	MZ	BE	Fret aérien	Geochelone pardalis	Tortue léopard	B/II	CAP	1		DOUANE ZAVENTEM G.A.D.
105	11-Dec-01	Importation	MZ	BE	Fret aérien	Kinixys spp.	Tortue kinixys	B/II	CAP	2		DOUANE ZAVENTEM G.A.D.

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1	2	3	4	5	6	7	8	9	10	11	12	13
106	11-Dec-01	Importation	MZ	BE	Fret aérien	Panthera pardus	Léopard	A/I	SKI	1		DOUANE ZAVENTEM G.A.D.
107	11-Dec-01	Importation	MZ	BE	Fret aérien	Loxodonta africana	Eléphant africain	A/I	FOO+CAR	38		DOUANE ZAVENTEM G.A.D.
108	14-Dec-01	Importation	TH	BE	Avion passagers	Orchidae spp.	Orchidées	B/II	LIV	28		DOUANE ZAVENTEM
109	20-Dec-01	Importation	TH	BE	Avion passagers	Elephas maximus	Eléphant d'Asie	A/I	CAR	26		DOUANE ZAVENTEM
110	28-Dec-01	Inconnu	U	U	Avion passagers	Moschus spp.	Porte-musc	A/I-B/II	TCM	72g		DOUANE ZAVENTEM
111	15-Jan-02	Importation	CN	BE	Fret aérien	Dendrobium candidum	Orchidée	B/II	MED	80 boîtes		DOUANE ZAVENTEM .
112	22-Jan-02	Importation	ZA	BE	Fret aérien	Damaliscus lunatus	Damalisque	C/III	SKU	1		DOUANE ZAVENTEM G.A.D.
113	12-Feb-02	Importation	GY	NL	Fret aérien	Amazona amazonica	Amazone à ailes oranges	B/II	LIV	1		DOUANE ZAVENTEM G.A.D.
114	18-Mar-02	Importation	IN	BE	Poste	Agave victoriae-reginae	Agave	A/II	LIV	2		DOUANE ZAVENTEM .
115	18-Mar-02	Importation	IN	BE	Poste	Echinopsis		A/II	LIV	1		DOUANE ZAVENTEM .
116	18-Mar-02	Importation	IN	BE	Poste	Euphorbia		A/II	LIV	10		DOUANE ZAVENTEM .
117	19-Mar-02	Importation	CD	BE	Fret aérien	Poicephalus gulielmi	Perroquet à calotte rouge	B/II	LIV	1		DOUANE ZAVENTEM G.A.D.
118	19-Mar-02	Importation	CD	BE	Fret aérien	Psittacus e. erithacus	Perroquet gris	B/II	LIV	1		DOUANE ZAVENTEM G.A.D.
119	12-Apr-02	Importation	GN	BE	Fret aérien	Varanus spp.	Varans	B/II	LPS	5		DOUANE ZAVENTEM G.A.D.
120	12-Apr-02	Importation	GN	BE	Fret aérien	Python spp.	Pythons	B/II	LPS	14		DOUANE ZAVENTEM G.A.D.
121	18-Apr-02	Exportation	BE	US	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	6		DOUANE ZAVENTEM PASSAGERS
122	19-Apr-02	Exportation	NL	BE	Transit avion	Sarracenia spp.	Plantes insectivores	A/II	LIV	14		DOUANE ZAVENTEM .
123	19-Apr-02	Exportation	NL	BE	Transit avion	Nepenthes spp.	Plantes insectivores	A/II	LIV	5		DOUANE ZAVENTEM .
124	19-Apr-02	Exportation	NL	BE	Transit avion	Dioneae spp.	Plantes insectivores	A/II	LIV	22		DOUANE ZAVENTEM .
125	20-Apr-02	Importation	CD	BE	Avion passagers	Psittacus erithacus	Perroquet gris à queue rouge	B/II	LIV	1		DOUANE ZAVENTEM PASSAGERS
126	29-Apr-02	Importation	CD	EG	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
127	29-Apr-02	Transit	CD	IN	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	7	0.405	DOUANE ZAVENTEM G.A.D.
128	29-Apr-02	Transit	CD	CN	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	114	3.919	DOUANE ZAVENTEM G.A.D.
129	29-Apr-02	Transit	CD	CN	Avion passagers	Panthera tigris	Tigre	A/I	MED	2		DOUANE ZAVENTEM G.A.D.
130	29-Apr-02	Transit	CD	CN	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	51	3.684	DOUANE ZAVENTEM G.A.D.
131	29-Apr-02	Transit	CD	RO	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	61	1.792	DOUANE ZAVENTEM G.A.D.
132	29-Apr-02	Transit	CD	RO	Avion passagers	Panthera pardus	Léopard	A/I	SKI	4		DOUANE ZAVENTEM G.A.D.
133	29-Apr-02	Transit	CD	RO	Avion passagers	Kinixys erosa	Kinixys rongée	B/II	SCA	1		DOUANE ZAVENTEM G.A.D.
134	29-Apr-02	Transit	CD	RO	Avion passagers	Panthera pardus	Léopard	A/I	TEE	11		DOUANE ZAVENTEM G.A.D.
135	29-Apr-02	Transit	CD	IN	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1	0.191	DOUANE ZAVENTEM G.A.D.
136	29-Apr-02	Transit	CD	CN	Avion passagers	Python spp.	Pythons	B/II	SKI	1		DOUANE ZAVENTEM G.A.D.
137	29-Apr-02	Transit	CD	RO	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR		1.792	DOUANE ZAVENTEM G.A.D.
138	29-Apr-02	Transit	CD	UY	Avion passagers	Crocodylus spp.	Crocodiles	A/I	SKI	1		DOUANE ZAVENTEM G.A.D.
139	29-Apr-02	Transit	CD	IN	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR		5.169	DOUANE ZAVENTEM G.A.D.
140	29-Apr-02	Transit	CD	UY	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR		0.089	DOUANE ZAVENTEM G.A.D.

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141	29-Apr-02	Transit	CD	CN	Fret aérien	Loxodonta africana	Eléphant africain	B/II	CAR		28.591	DOUANE ZAVENTEM G.A.D.
142	29-Apr-02	Transit	CD	CN	Fret aérien	Python spp.	Pythons	B/II	SKI	1		DOUANE ZAVENTEM G.A.D.
143	29-Apr-02	Transit	CD	RO	Fret aérien	Crocodylus spp.	Crocodiles	A/I	SKI	1		DOUANE ZAVENTEM G.A.D.
144	29-Apr-02	Transit	CD	CN	Fret aérien	Panthera pardus	Léopard	A/I	SKI	6		DOUANE ZAVENTEM G.A.D.
1	2	3	4	5	6	7	8	9	10	11	12	13
145	29-Apr-02	Transit	CD	CN	Fret aérien	Varanus spp.	Varans	B/II	LPL	1		DOUANE ZAVENTEM G.A.D.
146	29-Apr-02	Transit	CD	CN	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	185	9.593	DOUANE ZAVENTEM G.A.D.
147	29-Apr-02	Transit	CD	EG	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1	0.189	DOUANE ZAVENTEM G.A.D.
148	29-Apr-02	Transit	CD	CN	Avion passagers	Panthera pardus	Léopard	A/I	SKI	1		DOUANE ZAVENTEM G.A.D.
149	29-Apr-02	Transit	CD	CN	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	288	11.395	DOUANE ZAVENTEM G.A.D.
150	29-Apr-02	Transit	CD	CN	Avion passagers	Panthera pardus	Léopard	A/I	SKI	5		DOUANE ZAVENTEM G.A.D.
151	29-Apr-02	Transit	CD	CN	Avion passagers	Varanus spp.	Varans	A/I	SKI	1		DOUANE ZAVENTEM G.A.D.
152	29-Apr-02	Transit	CD	IN	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	89	4.573	DOUANE ZAVENTEM G.A.D.
153	07-May-02	Importation	UG	BE	Fret aérien	Chamaeleo ellioti	Caméléon d'Elliot	B/II	LIV	80		DOUANE ZAVENTEM G.A.D.
154	07-May-02	Importation	UG	BE	Fret aérien	Chamaeleo bitaeniatus	Caméléon à deux bandes	B/II	LIV	80		DOUANE ZAVENTEM G.A.D.
155	07-May-02	Importation	UG	BE	Fret aérien	Chamaeleo quilensis	Caméléon de Bocage	B/II	LIV	80		DOUANE ZAVENTEM G.A.D.
156	07-May-02	Importation	UG	BE	Fret aérien	Chamaeleo johnstoni	Caméléon de Johnston	B/II	LIV	16		DOUANE ZAVENTEM G.A.D.
157	11-May-02	Transit	CD	CN	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	2	0.089	DOUANE ZAVENTEM G.A.D.
158	14-May-02	Transit	CD	CZ	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1	0.61	DOUANE ZAVENTEM G.A.D.
159	14-May-02	Transit	CD	CN	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR		7.26	DOUANE ZAVENTEM G.A.D.
160	14-May-02	Transit	CD	JO	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
161	14-May-02	Transit	CD	CZ	Avion passagers	Osteolaemus tetraspis	Crocodile nain d'Afrique	A/I	BOD	1		DOUANE ZAVENTEM G.A.D.
162	14-May-02	Transit	CD	CZ	Avion passagers	Naja naja	Cobra à lunettes	B/II	SKI	2		DOUANE ZAVENTEM G.A.D.
163	14-May-02	Transit	CD	CZ	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	4	0.61	DOUANE ZAVENTEM G.A.D.
164	14-May-02	Transit	CD	CN	Avion passagers	Calanthe repens	Orchidée	B/II				DOUANE ZAVENTEM G.A.D.
165	14-May-02	Transit	CD	CN	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	CAR	98	5.9	DOUANE ZAVENTEM G.A.D.
166	14-May-02	Transit	CD	CN	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	98	5.9	DOUANE ZAVENTEM G.A.D.
167	24-May-02	Exposition	CD	CZ	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	2	0.715	DOUANE ZAVENTEM G.A.D.
168	27-May-02	Importation	MT	BE	Fret aérien	Asio flammeus	Hibou brachyote	A/II		4		DOUANE ZAVENTEM G.A.D.
169	27-May-02	Importation	MT	BE	Fret aérien	Pernis apivorus	Bondrée apivore	A/II		1		DOUANE ZAVENTEM G.A.D.
170	28-May-02	Importation	CN	BE	Inconnu	Ursus spp.	Ours	A/II	MED	12		DOUANE ZAVENTEM G.A.D.
171	31-May-02	Transit	CD	GH	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	3	0.534	DOUANE ZAVENTEM G.A.D.
172	10-Jun-02	Transit	CD	CN	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	IVP	81	7.967	DOUANE ZAVENTEM G.A.D.
173	12-Jun-02	Commerce	XX	BE	Inconnu	Loxodonta africana	Eléphant africain	A/I	CAR	5	3	DOUANE ANVERS
174	13-Jun-02	Commerce	BE	BE	Inconnu	Varanus niloticus	Varan du Nil	B/II	LIV	1		DOUANE KORTRIJK GAD
175	14-Jun-02	Commerce	XX	BE	Inconnu	Candoia aspera	Boa vipère de Nouvelle Guinée	B/II	LIV	1		OCCIDENTALE

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176	14-Jun-02	Commerce	XX	BE	Inconnu	Morelia papuana	Python de Papouasie	B/II	LIV	4		OCCIDENTALE
177	14-Jun-02	Commerce	XX	BE	Inconnu	Epicrates cenchria cenchria	Boa arc-en-ciel	B/II	LIV	1		OCCIDENTALE
178	14-Jun-02	Commerce	XX	BE	Inconnu	Epicrates cenchria maurus	Boa arc-en-ciel	B/II	LIV	1		OCCIDENTALE
179	14-Jun-02	Commerce	XX	BE	Inconnu	Eulemur macaco	Lémur macaco	A/I	LIV	2		OCCIDENTALE
180	14-Jun-02	Commerce	XX	BE	Inconnu	Python curtus	Python malais	B/II	LIV	1		OCCIDENTALE
1	2	3	4	5	6	7	8	9	10	11	12	13
181	14-Jun-02	Transit	CD	MY	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
182	14-Jun-02	Transit	CD	JO	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
183	14-Jun-02	Transit	CD	CD	Avion passagers	Loxodonta africana	Eléphant africain	A/I	TUS	1	8.5	DOUANE ZAVENTEM G.A.D.
184	14-Jun-02	Transit	CD	MY	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	1		DOUANE ZAVENTEM G.A.D.
185	18-Jun-02	Commerce	XX	BE	Inconnu	Python molurus	Python molure	B/II	BOD	1		Police Féd. - TURNHOUT
186	18-Jun-02	Commerce	XX	BE	Inconnu	Terrapene carolina	Tortue-boîte de Caroline	B/II	SCA	1		Police Féd. - TURNHOUT
187	18-Jun-02	Commerce	XX	BE	Inconnu	Terrapene ornata	Tortue-boîte ornée commune	B/II	SCA	1		Police Féd. - TURNHOUT
188	18-Jun-02	Commerce	XX	BE	Inconnu	Trachemys scripta elegans	Tortue à joues rouges	B/NC	SCA	1		Police Féd. - TURNHOUT
189	18-Jun-02	Commerce	XX	BE	Inconnu	Python sebae	Python de Seba	B/II	SKI	1		Police Féd. - TURNHOUT
190	18-Jun-02	Commerce	XX	BE	Inconnu	Caiman crocodilus	Caïman à lunettes	B/II	BOD	2		Police Féd. - TURNHOUT
191	18-Jun-02	Commerce	XX	BE	Inconnu	Python regius	Python royal	B/II	BOD	1		Police Féd. - TURNHOUT
192	18-Jun-02	Commerce	XX	BE	Inconnu	Testudo graeca	Tortue mauresque	A/II	LIV	4		Police Féd. - TURNHOUT
193	18-Jun-02	Commerce	XX	BE	Inconnu	Python molurus	Python molure	B/II	BOD	1		Police Féd. - TURNHOUT
194	18-Jun-02	Commerce	XX	BE	Inconnu	Eryx conicus	Boa des sables	B/II	BOD	1		Police Féd. - TURNHOUT
195	18-Jun-02	Commerce	XX	BE	Inconnu	Uromastyx spp.	Lézards fouette-queue	B/II	BOD	2		Police Féd. - TURNHOUT
196	18-Jun-02	Commerce	XX	BE	Inconnu	Trionyx gangeticus	Tortue du Gange	A/I	BOD	1		Police Féd. - TURNHOUT
197	18-Jun-02	Commerce	XX	BE	Inconnu	Loxodonta africana	Eléphant africain	A/I	TUS	2		Police Féd. - TURNHOUT
198	18-Jun-02	Commerce	XX	BE	Inconnu	Naja naja	Cobra à lunettes	B/II	BOD	1		Police Féd. - TURNHOUT
199	24-Jun-02	Transit	CD	CZ	Fret aérien	Loxodonta africana	Eléphant africain	A/I	CAR	2	0.715	DOUANE ZAVENTEM G.A.D.
200	27-Jun-02	Transit	CD	CN	Courrier aérien	Loxodonta africana	Eléphant africain	A/I	IVP	1	8.5	DOUANE ZAVENTEM G.A.D.
201	22-Jul-02	Importation	CD	LU	Fret aérien	Kinixys belliana	Kinixys de Bell	B/II	SCA	2		DOUANE ZAVENTEM G.A.D.
202	25-Jul-02	Transit	CD	RU	Avion passagers	Hippopotame amphibius	Hippopotame	B/II	CAR	1		DOUANE ZAVENTEM PASSAGERS
203	25-Jul-02	Transit	CD	RU	Avion passagers	Loxodonta africana	Eléphant africain	A/I	CAR	3		DOUANE ZAVENTEM PASSAGERS
204	29-Jul-02	Importation	MZ	BE	Fret aérien	Tridacnidae spp.	Bénitiers	B/II	COR	1		DOUANE ZAVENTEM G.A.D.
205	29-Jul-02	Importation	MZ	BE	Fret aérien	Scleractinia spp.	Coraux durs	B/II	COR	4		DOUANE ZAVENTEM G.A.D.
206	01-Aug-02	Importation	SG	BE	Fret aérien	Trachemys scripta elegans	Tortue à joues rouges	B/NC	LIV	48		DOUANE ZAVENTEM G.A.D.
207	21-Aug-02	Commerce	BE	BE	Inconnu	Python molurus	Python molure	B/II	LIV	3		DOUANE KORTRIJK GAD
208	21-Aug-02	Commerce	BE	BE	Inconnu	Iguana iguana	Iguane commun	B/II	LIV	6		DOUANE KORTRIJK GAD
209	21-Aug-02	Commerce	BE	BE	Inconnu	Tupinambis teguixin	Grand téju	B/II	LIV	3		DOUANE KORTRIJK GAD
210	21-Aug-02	Commerce	BE	BE	Inconnu	Boa constrictor	Boa constrictor	B/II	LIV	4		DOUANE KORTRIJK GAD

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I. LEGISLATIVE AND REGULATORY MEASURES

Description of national legislation adopted to implement the Regulations: Art. 20 (338/97) and Art. 44 (1808/2001)

The Ministry of the Environment Statutory Order No. 84 of 23 January 2002 (Miljøministeriets bekendtgørelse nr. 84 af 23. januar om beskyttelse af vilde dyr og planter ved kontrol af handlen hermed (Washingtonkonventionen/CITES)) implements Council Regulation No. 338/97 and Commission Regulation (EC) No. 1808/2001.

The Statutory Order is authorised in accordance with the Danish "Nature Protection Act", paragraph 30.

The Statutory Order complements the EC Regulations by:
Designating the competent authorities that see to the compliance of the regulations
Designating the competent authorities to process and issue CITES permits in accordance with the regulations
Designating places of introduction and exit of CITES specimens
Imposing sanctions for infringements of the regulations

The Statutory Order entered into force 1 March 2002 replacing Statutory Order No. 499 of 27. May 1997

Description of national legislation adopted to ensure the imposition of sanctions: Art. 16.1 (338/97)

Paragraph 10 of Statutory Order No. 84 (see above) imposes sanctions for the infringements listed in Art. 16.1 (a) to (m) of Council Regulation (EC) No. 338/97.

Paragraph 10 also impose sanctions for violation of the provisions under paragraph 3 of the same Statutory Order, which specifies the places introduction of live animals and plants and how importers must notify management authorities of imports in advance.

Unless higher penalties are imposed under any other legislation the above mentioned violations are sanctioned with a fine in principle without any minimum or maximum amount.

The penalty may rise to imprisonment for up to one year if violations are committed intentional or with gross negligence and the violations at the same time has harmed interests protected by law or has been done for commercial purposes.

According to the "Nature Protection Act", Chapter 13, additional powers may include:
Confiscation (Nature Protection Act § 89.5 and Criminal Code § 75f)
Search (Nature Protection Act § 89.10 as to Chapter 73 of the Administration of Justice Act)
Seizure (Chapter 74 of the Administration of Justice Act)

The most frequently used sanctions are fines and/or confiscation.

Confiscation without a fine is the most frequently used sanction when specimens of annex B are imported in good faith for non-commercial use, e.g. typically tourist souvenirs. The importer is normally also given a caution. Cases of this character involving annex A specimens often result in fines.

When violations are intentional or with gross negligence and/or for commercial use fines will normally be imposed together with confiscation. The proposed fine will generally be equivalent to the market value for Annex B specimens and two to three times the market value for specimens of Annex A.

In a limited number of cases when violations are considered to be of an administrative character and it does not involve a repeat offender the sanction may be a small fine (lower than market value) and no confiscation.

Most cases are settled out-of-court especially those only involving confiscation and caution or small fines (these are typically “tourist souvenir – cases” or in other ways involves personal effects) but most large cases are brought to court.

According to the Danish Criminal Code any economical gain of a perpetrator may also be (partly) confiscated.

According to the “Nature Protection Act” § 91 the Management Authorities are entitled to claim refund of costs from the perpetrator. Costs of storage etc. of illegal specimens - or the costs of returning the specimens to the country of export – can thus be claimed from the person (including a company) in charge of the transport, or the receiver of the specimens.

Procedures for seizure of specimens in case of infringement(s): Art 16.1 & 2 (338/97)

Specimens introduced in contravention of the regulations are seized by customs. The CITES Management Authority then deems whether the specimens are CITES listed and the matter is then transferred to the police. The final confiscation and further sanctions are handled by the police.

Specimens traded nationally in contravention of the regulations may be seized and finally confiscated by police upon advice by the CITES Management Authority.

Most cases are settled out-of-court especially those only involving confiscation and caution or small fines (these are typically “tourist souvenir – cases” or in other ways involves personal effects) but most large cases are brought to court.

Procedures for seizure of specimens in case of infringement(s): Art 16.3 (a) and (b) (338/97)

After final confiscation by the police of specimens imported, exported or traded in contravention of the regulations the specimens are deemed to be the property of the CITES Management Authority. Dead specimens are stored and used for training, information and education. Live specimens are transferred to zoological or botanical gardens or institutions that have the necessary capacity and knowledge to care for the specimens.

Live specimens are very rarely returned to the country of origin (this is most often not possible due to animal welfare issues, bureaucracy, legal problems, health issues/diseases etc.).

Procedures for seizure of live specimens (Annex B or C) introduced without valid permits: Art 16.4 (338/97)

The procedure is as described under point 3. Rescue centres (zoological or botanical gardens or other institutions) for the specimens are found as soon as possible after customs seizures.

Returning the specimens to the point of origin is very rarely used (most often not possible due to animal welfare issues, bureaucracy, legal problems, health issues/diseases etc).

Procedures regarding commercial activities with confiscated specimens: Art. 8.6 (338/97)

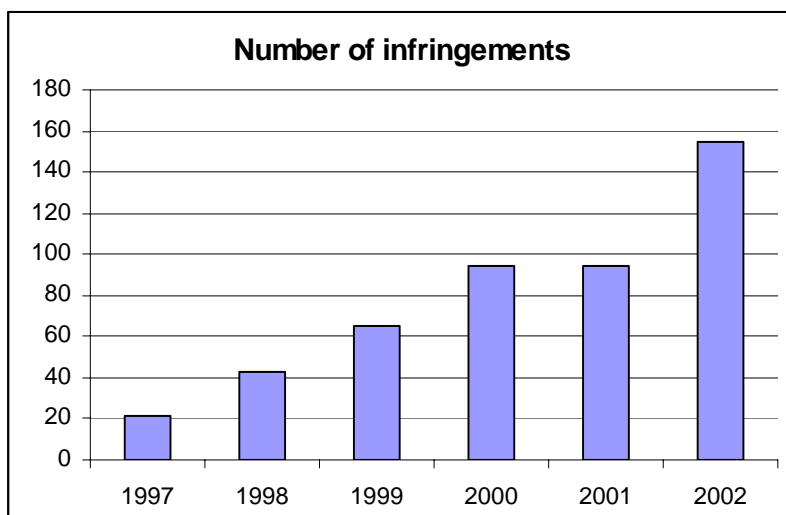
This option is not used. Specimens are the property of the CITES Management Authorities and are used for education, information and training purposes only. Loans are made for schools, zoos and similar institutions, customs training activities nationally or in other countries, non-commercial exhibitions and for other forms of information and/or education.

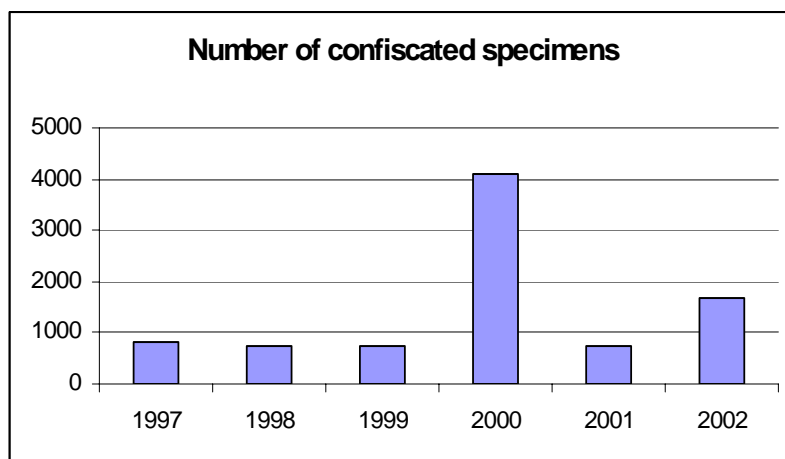
Infringements + legal actions: Art. 14.1 (b) (338/97)

List of cases of established infringements for the years 2001-2002 is found in Annex xx.

Maximum sanctions imposed for CITES infractions during the reporting period was a fine of 140.000 DKK (18.800 EURO) for the importation of 125 live baby tortoises (*Testudo graeca*) from Syria via Denmark with Norway as the final destination. A fine of 50.000 (6.700 EURO) was given for the importation via post parcels of approx. 6 kg of sturgeon caviar from Russia. Further, fines of 10.000 DKK was given for the importation of several different kinds of Traditional Chinese Medicin and 8.000 DKK for the importation of 4 live *Testudo graeca* from Tunesia. A number of fines at 5.000 DKK and less were given for a range of different infractions (see Annex I).

Summary statistics on infringements including the years 2001 and 2002:





II. ADMINISTRATIVE MATTERS

Designation of customs offices: Art. 12. and 12.4 (338/97)

Information on designated customs offices is available in the list of “Places of introduction and export designated by Member States for Trade with third countries in accordance with Article VIII (3) of the Convention on International Trade in Endangered Species of wild Fauna and Flora and referred to in Article 12 of Council Regulation (EC) N° 338/97 of 9 December 1996, on the protection of species of wild fauna and flora by regulating trade therein.”¹

Customs Authorities arranged several two-days basic CITES training courses and one-day CITES follow up courses for customs officers during the reporting period. The average number of participants for each course is about 20 officers. Procedures related to CITES border control is described in a special handbook available for all customs officers.

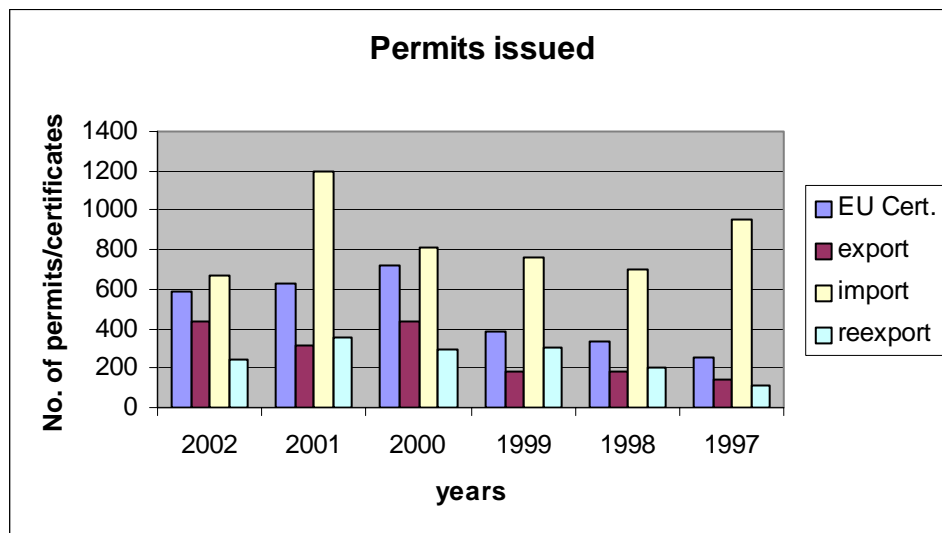
Designation of Management Authorities and Scientific Authority: Art. 13.1 and 13.2 (338/97)

Information on designated MAs and SA is available in the list of ”Names and addresses of the Management and Scientific Authorities designated by the Member States in accordance with Article IX (1) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and referred to in Article 13 (1) of Council Regulation (EC) N° 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein.”¹

¹

For updates of this list consult the EU Wildlife Trade Website
http://www.europa.eu.int/comm/environment/cites/home_en.htm

Time spent on CITES matters by the MAs is equivalent to about five full time positions. Work includes processing permit applications, providing advise to traders/general public, information and education, inspections of live animal imports, cooperation with police and customs, attending meetings etc. Time allocated to each specific task is not measured.



Attendance and participation at EU Wildlife Trade Regulation meetings

Denmark has participated at all meetings of the Committee, Scientific Review Group and Enforcement Group with one or occasionally two or more persons.

III. INFORMATION/COMMUNICATION

Public awareness activities: Art. 12.5 and 15.1 (338/97)

All relevant information regarding EU CITES regulations and national implementation thereof is available in Danish on the Danish Forest and Nature Agency's web site. It can be accessed by www.cites.dk. It contains all relevant legal information, links to relevant sites and databases and more popular descriptions and explanations including a "guide for tourists" explaining the lurking dangers when buying tourist souvenirs at various travel destinations as they can be made of endangered species of fauna and flora.

In 1999 a "tourist awareness campaign" was launched in Denmark. This included the production of 200.000 leaflets. More than 100.000 leaflets were distributed during the following years mainly through travel agencies, air lane companies and Copenhagen Airport and distribution continued through the reporting period. CITES exhibitions with posters and confiscated CITES specimens have been displayed in different places during the reporting period.

In 1999 DANCED – Danish Corporation for Environment and Development (now the project is under the auspices of DANIDA - Danish International Development Assistance) funded a WWF Denmark/WWF Thailand project "Wildlife Trade Campaign Project Thailand" with 8 million DKK = approx. one million EURO. The Danish Forest and Nature Agency is participating in the project. The project - an awareness raising campaign in Thailand focusing

on the Wildlife Trade in Thailand targeting a range of stakeholders including tourists, dealers, Thai public, air line companies, hotel associations, authorities etc.– was set out in 2000 and runs through 2004. 1 million DKK (approx. 1/8 million EURO) of the funding was to be used for activities in Denmark or closely related to Danish and other Nordic travellers to Thailand. This part of the campaign has been implemented after the reporting period.

Generally, confiscated specimens are used for educational and information purposes. Loans are made to schools, libraries, museums, zoos and others for these purposes.

Information included in annual reports communicated to the Commission: Art. 15.4 (338/97) and Art. 39 (1808/2001)

The Danish annual reports contain information on imports, exports and reexports for specimens under Annex A, B, C and information on imports for specimens under Annex D.

Number of specimens dead on arrival is not reported in the annual report. Some figures for DOAs have been reported ad hoc to the CITES Secretariat.

Information on seized and confiscated specimens has not been included in the annual reports. This information is provided in the biennial report.

Annual reports have been submitted with no or only little delay. They are submitted in paper form and electronically.

IV. IMPLEMENTATION MEASURES

Procedures for issuing permits and certificates: Art 4.1, 4.2, 4.3 and 5.1, 5.2, 5.3 (338/97)

Applications for imports, exports and re-exports are electronically registered upon receipt. Applications and enclosed documentation are checked and if necessary verified by relevant sources. Permits are issued when the relevant legislative measures are found to be fulfilled.

Since 1995 an Access-database is used for recording data included in permits and certificates. Permits and certificates are also issued using this database. Thus input data and output data on the permits are equivalent. All copies of permits and certificates and related applications are filed.

Only few applications are formally rejected each year.

There are no records on the number of unused permits and certificates. The rate in which unused permits and certificates are returned to the MA is not known either.

Procedures for replacing permits and certificates: Art 7.3 (1808/2001)

Permits and certificates are replaced following art. 7.3 of 1808/2001.

Customs procedures for completing CITES documents accompanying shipments/specimens: Art. 12, 14 and 17 (1808/2001)

Customs complete the CITES documents following art. 12, 14 and 17 of 1808/2001. A proportion of the clearances, however, does not live up to the described procedures as some times original documents are missing or other flaws are encountered. No record is kept on how big a fraction these flaws make up but it is quite substantial. Prioritising of recourses leaves little time for follow up in these cases.

Customs procedures for forwarding documents to the MA: Art. 19.1 (1808/2001)

Customs normally forward documents to the relevant Danish MA within few days after completion in relation to imports/exports. No records are kept on missing documents or otherwise flawed clearances, though see above.

Accommodation for live specimens at designated customs offices: Art. 12.2 (338/97)

Copenhagen Airport, Kastrup, is designated as port of entry for live CITES animals. The airport holds facilities for short-term accommodation of wild fauna. It is the aim to have specimens placed in rescue centres within short time after seizure. The CITES MA is responsible for this process. A number of Zoos and other relevant institutions are used in this respect. Normally, live animals are placed in a rescue centre within 24 hours of its arrival to Copenhagen Airport.

For live plants botanical gardens and other relevant institutions are normally used as rescue centres.

Procedures adopted to establish the ancestry of captive-bred animals. Art 25 (1808/2001)

Due to national Danish legislation for all birds of prey and owls kept in captivity a blood sample must be submitted to the Danish Forest and Nature Agency. These samples are kept for any future analyses of the ancestry of these animals. DNA profiling have been made on a few specimens.

For no other species any analyses has been made and there is currently no specific procedure to establish the ancestry of captive bred animals.

Procedures adopted for marking specimens in compliance with Article 36 (1808/2001)

Comply with article 36 (1808/2001). Closed, seamless foot rings are required for birds unless this is deemed unacceptable for physical or behavioural reasons.

Micro transponders are used for specimens of other vertebrates and for birds not bred in captivity or for which the above applies. Only when specialists consider animals not to be

physically or otherwise capable of having a micro transponder implanted other means of marking may be considered.

For small specimens of eg. reptiles such as baby snakes and tortoises with a carapace length of less than 10 cm photo documentation is accepted for the purpose of issuing EU certificates.

Information on seminars attended and/or organised by SA, MA, Customs, Police: Art. 12.2, 13.1 (a), 13.2 and 14.1 (a) (338/97)

Customs Authorities arranged several two-days basic CITES training courses and one-day CITES follow up courses for customs officers during the reporting period. The average number of participants for each course is about 20 officers. The Danish Forest and Nature Agency take part of the teaching in these courses.

The Danish Forest and Nature Agency participated in the CITES Scientific Authority Capacity Building Workshop, Bonn, Germany, 12 – 13 November 2001.

No further information is available for participation in seminars etc by the relevant authorities during the reporting period.

Annex 1

Year	Transt ype	Country	Species		App	EU-Annex	Origin	Number	Type	Purpose	Comments	Fine
2001	import	USA	Pandinus	imperator	II	B	W	25	live	commercial	confiscated	
2001	import	Zimbabwe	Felis	silvestris	II	A	W	1	skin	hunting trophy		
2001	import	Canada	Ursus	americanus	II	B	W	11	skin	commercial	confiscated	
2001	import	Canada	Canis	lupus	II	A	W	3	skin	commercial	confiscated	
2001	import	Switzerland	CROCODYLIA	spp	II	B	U	1	watchstrap	commercial	confiscated	see next
2001	import	Switzerland	CROCODYLIA	spp	II	B	U	29	watchstrap	commercial	confiscated	5000 DKK
2001	import	Switzerland	Alligator	mississippiensis	II	B	U	5	watchstrap	commercial	confiscated	
2001	import	Switzerland	Alligator	mississippiensis	II	B	C	2	watchstrap	commercial	confiscated	
2001	import	Thailand	ELEPHANTIDAE	spp	II	A	W	3	carving	commercial	confiscated + conviction	2000 DKK
2001	import	Switzerland	CROCODYLIA	spp	II	B	U	4	watchstrap	commercial	confiscated	
2001	import	Russia	ACIPENSERIFORMES	sp	II	B	W	452 g	caviar	personal/commercial	confiscated ²	
2001	import	Russia	ACIPENSERIFORMES	sp	II	B	W	452 g	caviar	personal/commercial	confiscated ¹	
2001	import	Russia	ACIPENSERIFORMES	sp	II	B	W	226 g	caviar	personal/commercial	confiscated ¹	
2001	import	Russia	ACIPENSERIFORMES	sp	II	B	W	678 g	caviar	personal/commercial	confiscated ¹	500 DKK
2001	import	Russia	ACIPENSERIFORMES	sp	II	B	W	904 g	caviar	personal/commercial	confiscated ¹	500 DKK
2001	import	Russia	ACIPENSERIFORMES	sp	II	B	W	1130 g	caviar	personal/commercial	confiscated ¹	500 DKK
2001	import	Russia	ACIPENSERIFORMES	sp	II	B	W	5020 g	caviar	commercial	confiscated + conviction ¹	50.000 DKK
2001	import	U	Dalbergia	nigra	I	A	U	1	herbarium	scientific	confiscated	
2001	import	U	Moschus	spp	II	A-B	W	1	TCM	personal	confiscated	
2001	import	China	Saiga	tatarica	II	B	W	1	TCM	personal	confiscated	
2001	Sale	Thailand	Troides	sp.	II	B	U	16	bodies	commercial	confiscated ³	see next
2001	Sale	Thailand	Trogonoptera	brookiana	II	B	U	11	bodies	commercial	confiscated ²	1000 DKK
2001	import	Thailand	Troides	sp.	II	B	U	16	bodies	commercial	confiscated ²	see next
2001	import	Thailand	Trogonoptera	brookiana	II	B	U	11	bodies	commercial	confiscated ²	1500 DKK
2001	import	China	Saussurea	costus	I	A	U	medicin	TCM	commercial	confiscated	see next

² Same case³ Same case with two offences and two different offenders

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Year	Import Type	Country	Species	spp.	App	EU-Annex	Origin	Number	Type	Purpose	Comments	Fine
2001	import	China	Moschus	spp.	II	A-B	W	1	TCM	commercial	confiscated	see next
2001	import	China	Saiga	tatarica	II	B	W	1	TCM	commercial	confiscated	see next
2001	import	China	Saussurea	costus	I	A	U	1	TCM	commercial	confiscated	1000 DKK
2001	import	China	Saussurea	costus	I	A	U	1	TCM	commercial	confiscated	see next
2001	import	China	Moschus	spp	I-II	A-B	W	2	TCM	commercial	confiscated	1000 DKK
2001	import	Bolivia	CROCODYLIA	spp	II	B	U	2	skin	commercial	confiscated	
2001	import	Ghana	Python	sebae	II	B	W	5	bags	personal	confiscated	
2001	import	Ghana	CROCODYLIA	sp	II	B	U	1	bag	personal	confiscated	
2001	import	Ghana	Varanus	sp.	II	B	W	1	bag	personal	confiscated	
2001	import	South Africa	Caracal	caracal	II	B	W	5	skin	commercial	confiscated	
2001	import	U	Boa	constrictor	II	B	W	10	live	breeding/commercial	pending	
2001	Export	Denmark	PSITTACIDAE	spp	II	B	C	17	live	commercial	exported to Norway	1000 DKK
2001	import	U	Tridacnae	spp.	II	B	W	2	shell	personal	confiscated by conviction	
2001	import	Dominican Rep.	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2001	import	Thailand	Ophiophagus	hannah	II	B	W	1	skin	personal	confiscated	
2001	import	Thailand	Naja	naja	II	B	W	1	belt	personal	confiscated	
2001	import	USA	Strombus	gigas	II	B	W	4	shell	personal	confiscated	
2001	import	Maldives	TUBIPORIDAE	spp	II	B	W	4	coral	personal	confiscated + conviction	see next
2001	import	Maldives	SCLERACTINIA	spp	II	B	W	5	coral	personal	confiscated+ conviction	see next
2001	import	Maldives	TRIDACNIDAE	spp	II	B	W	9	shell	personal	confiscated+ conviction	500 DKK
2001	import	Dominican Rep.	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2001	import	Bali	Tridacna	spp	II	B	W	2	shell	personal	confiscated	
2001	import	Maldives	Tridacna	spp	II	B	W	7	shell	personal	confiscated	
2001	import	Maldives	SCLERACTINIA	spp	II	B	W	16	pieces	personal	confiscated	
2001	import	Dominican Rep.	SCLERACTINIA	spp	II	B	W	3	pieces	personal	confiscated	
2001	import	Thailand	Naja	naja	II	B	W	1	shoes	personal	confiscated	
2001	import	Thailand	Ptyas	mucosus	III	B	W	1	shoes	personal	confiscated	
2001	import	Malawi	SCLERACTINIA	spp.	II	B	W	1	pieces	souvenir	confiscated	
2001	import	Malawi	SCLERACTINIA	spp	II	B	W	1	pieces	personal	confiscated	
2001	import	Russia	ACIPENSERIFORMES	sp	II	B	W	3 cans	caviar	personal	confiscated	

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Year	Transtype	Country	Species		App	EU-Annex	Origin	Number	Type	Purpose	Comments	Fine
2001	import	Jamaica	Strombus	gigas	II	B	W	2	shell	personal	confiscated	
2001	import	Samoa	TRIDACNIDAE	spp	II	B	W	1	shell	personal	confiscated	
2001	import	Australia	Crocodylus	porosus	II	B	U	1	hatband	personal	confiscated	
2001	import	China	Moschus	sp	I-II	A-B	W	10	TCM	personal	confiscated	500 DKK
2001	import	Singapore	Varanus	salvator	II	B	W	1	stuffed	personal	confiscated	
2001	import	China	Panthera	tigris	I	A	U	3	plaster	personal	confiscated	
2001	import	China	Panthera	pardus	I	A	U	3	plaster	personal	confiscated	
2001	import	China	Moschus	spp	I-II	A-B	U	3	plaster	personal	confiscated	
2001	import	Lebanon	Testudo	graeca	II	A	W	1	shell	personal	confiscated	
2001	import	Eritrea	Tridacna	spp.	II	B	W	1	shell	gift	confiscated	
2001	import	Eritrea	SCLERACTINIA	spp.	II	B	W	10	coral	gift	confiscated	
2001	import	Thailand	SCLERACTINIA	spp	II	B	W	3	pieces	personal	confiscated	
2001	import	USA	Panax	quinquefolius	II	B	U	6 pack.	medicine	U	confiscated	
2001	import	China	Moschus	spp.	II/I	B/A	W	1	TCM	personal	confiscated	
2001	import	Indonesia	Python	reticulatus	II	B	W	7	2 bags, 4 purses, 1 belt	gift	confiscated	
2001	import	Maldives	SCLERACTINIA	spp	II	B	W	9	pieces	personal	confiscated	
2001	import	China	Panthera	pardus	I	A	W	160	TCM	personal	confiscated	500 DKK
2001	import	Malaysia	TRIDACNIDAE	spp	II	B	W	1	shell	personal	confiscated	
2001	import	Mauritius	SCLERACTINIA	spp	II	B	W	4	pieces	personal	?	
2001	import	Dominican Rep.	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2001	import	Bulgaria	SCLERACTINIA	spp	II	B	W	1	pieces	personal	confiscated	
2001	import	U	Python	sebae	II	B	W	2	purse	U	confiscated	
2001	import	Thailand	CROCODYLIA	spp	II	B	U	1	shoes	personal	confiscated	
2001	import	China	URSIDAE	spp	I-II	A-B	W	120 (136 g)	TCM	U	confiscated	
2001	import	USA	Panax	quinquefolius	II	B	U	4 (1842 g)	TCM	U	confiscated	
2001	import	USA	Strombus	gigas	II	B	W	4	shell	personal	confiscated	
2001	import	Thailand	Troides	aeacus	II	B	U	1	In frame	U	confiscated	
2001	import	Thailand	Trogonoptera	trojana	II	B	U	1	In frame	U	confiscated	
2001	import	Fiji	TRIDACNIDAE	spp	II	B	W	4	shell	gift	confiscated	
2001	import	Fiji	SCLERACTINIA	spp	II	B	W	3	pieces	gift	confiscated	
2001	import	Haiti	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2001	import	Mauritius	SCLERACTINIA	sp	II	B	W	4	pieces	personal	confiscated	
2001	import	Jordan	RHINOCERATIDAE	spp	I	A	W	36	TCM	personal	confiscated	500 DKK

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Year	Trans type	Country	Species		App	EU-Annex	Origin	Number	Type	Purpose	Comments	Fine
2001	import	Nicaragua	CROCODYLIA	spp	II	B	U	2	bag	personal	confiscated	
2001	import	Brasil	Eunectes	sp.	II	B	W	2	skin pieces	personal	confiscated	
2001	import	Greenland	Ursus	maritimus	II	B	W	1	claw	personal	confiscated	
2001	import	Thailand	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2001	import	Vietnam	Naja	naja	II	B	W	1	bottle	personal	confiscated	
2001	import	USA	Alligator	mississippiensis	II	B	U	2	head	personal	confiscated	
2001	import	Peru	SCLERACTINIA	spp	II	B	W	5	pieces	personal	confiscated	
2001	import	Thailand	SCLERACTINIA	spp	II	B	W	1	coral	personal	confiscated	
2001	import	Thailand	Tridacna	sp.	II	B	W	1	shell	personal	confiscated	
2001	import	Faroe Islands	Globicephala	melas	II	A	W	60 kg	meat	personal	confiscated	
2001	import	Vietnam	Xenochrophis	piscator	III	C	W	2	bottle	gift	confiscated	
2001	import	Thailand	Naja	naja	II	B	W	1	bodies	personal	confiscated	
2001	import	USA	CROCODYLIA	spp	II	B	C?	1 pair	shoes	personal	confiscated	
2001	import	USA	Panax	quinquefolius	II	B	U	1.5 kg	TCM	gift	confiscated	
2001	import	Bahamas	Strombus	gigas	II	B	W	4	shell	personal/gift	confiscated	
2001	import	Korea	Trogonoptera	brookiana	II	B	W	1	bodies	personal	confiscated	
2001	import	Vietnam	Panthera	tigris	II	A	U	3	TCM	personal	confiscated	500 DKK
2001	import	China	Moschus	spp	II	B	U	2	TCM	personal	confiscated	
2001	import	Aruba	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2001	import	Gmulu	ANTIPATHARIA	spp	II	B	W	1	coral	personal	confiscated	
2001	import	China	Saussurea	costus	I	A	U	1	TCM	personal	confiscated	
2001	import	Mexico	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2001	import	Cuba	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2001	import	Africa	Python	sebae	II	B	U	3	belts	personal	confiscated	
2001	import	Africa	CROCODYLIA	sp.	I/II	A/B	U	3	belts	personal	confiscated	
2002	import	Australia	Crocodylus	porosus	II	B	W	6	hatband	commercial	confiscated	
2002	import	China	Moschus	sp.	I/II	A/B	W	80	plaster	commercial	confiscated	see next
2002	import	China	Panthera	pardus	I	A	W	80	plaster	commercial	confiscated	see next
2002	import	China	Moschus	sp.	I/II	A/B	W	200	plaster	commercial	confiscated	see next
2002	import	China	Panthera	tigris	I	A	W	200	plaster	commercial	confiscated	see next
2002	sale	China	Panthera	tigris	I	A	W	2	plaster	commercial	confiscated	see next
2002	sale	China	Moschus	sp.	I/II	A/B	W	2	plaster	commercial	confiscated	see next
2002	sale	China	Moschus	sp.	I/II	A/B	W	192	pills	commercial	confiscated	see next
2002	sale	China	Saussurea	costus	I	A	W	140	pills	commercial	confiscated	see next
2002	sale	China	Saussurea	costus	I	A	W	360 g	powder	commercial	confiscated	see next

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Year	Trans type	Country	Species		App	EU-Annex	Origin	Number	Type	Purpose	Comments	Fine
2002	sale	China	Testudo	sp.	II	A/B	W	50	pills	commercial	confiscated	10000 DKK
2002	import	Bolivia	PSITTACIFORMES		I/II	A/B	W	see next	feathers	exhibition	see next	
2002	import	Bolivia	PACIFORMES				W	see next	beak	exhibition	see next	
2002	import	Bolivia	Panthera	onca	I	A	W	7	skin	exhibition	pending	
2002	import	Norway	Python	sp.	I/II	A/B	W	1	belt	commercial	confiscated	
2002	import	Morocco	Uromastyx	sp.	II	B	W	1	live	personal	put away	see next
2002	import	Morocco	Chameleo	chameleo	II	A	W	3	live	personal	confiscated + conviction	4500 DKK
2002	import	Tunisia	Testudo	graeca	II	A	W	4	live	personal	confiscated + conviction	8000 DKK
2002	import	Turkey	Testudo	graeca	II	A	W	1	live	personal	confiscated	
2002	import	Syria	Testudo	graeca	II	A	W	125	live	personal	confiscated + conviction	140000 DKK
2002	export	Norway	Agapornis	fischeri	II	B	U	2	live	personal	pending	
2002	import	Bahamas	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2002	import	Tanzania	Tridacnidae	spp.	II	B	W	1	shell	personal	confiscated	
2002	import	Tanzania	Scleractinia	spp.	II	B	W	5	shell	personal	confiscated	
2002	import	Tanzania	Tubiporidae	spp.	II	B	W	1	shell	personal	confiscated	
2002	import	Venzuela	Scleractinia	spp.	II	B	W	110	coral	U	confiscated	500 DKK
2002	import	Thailand	Naja	naja	II	B	W	1	stuffed	personal	confiscated	
2002	import	China	Moscus	spp.	I/II	A/B	W	20	TCM	personal	confiscated	
2002	import	Eritrea	Scleractinia	spp.	II	B	W	1	coral	personal	confiscated	
2002	import	Curacao	Scleractinia	spp.	II	B	W	6	coral	personal	confiscated	
2002	import	Curacao	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2002	import	Thailand	Naja	naja	II	B	W	1	stuffed	personal	confiscated	
2002	import	Cuba	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2002	import	Fiji	Tridacnidae	sp	II	B	W	2	shell	personal	confiscated	
2002	import	Fiji	Scleractinia	sp	II	B	W	2	coral	personal	confiscated	
2002	import	Seyshells	Tridacnidae	spp.	II	B	W	3	shell	personal	confiscated	
2002	import	Tanzania	Scleractinia	spp.	II	B	W	3	coral	personal	confiscated	
2002	import	South Africa	Crocodylia	sp.	II	B	W	8	can/meat	personal	confiscated	
2002	import	Tanzania	Scleractinia	spp.	II	B	W	5	coral	personal	confiscated	
2002	import	Tanzania	Tridacnidae	sp.	II	B	W	1	shell	personal	confiscated	
2002	import	Fiji	Scleractinia	spp.	II	B	W	5	coral	gift	confiscated	
2002	import	Bali	Scleractinia	spp.	II	B	W	1	coral	personal	confiscated	
2002	import	Thailand	Tridacnidae	sp.	II	B	W	1	shell	personal	confiscated	
2002	import	Thailand	Python	sp.	II	B	W	1	shoes	personal	confiscated	

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Year	Transtype	Country	Species		App	EU-Annex	Origin	Number	Type	Purpose	Comments	Fine
2002	import	China	Gastrodia	elata	II	B	W	3x24	pills	commercial	confiscated	
2002	import	Thailand	Scleractinia	sp.	II	B	W	6	coral	personal	confiscated	
2002	import	Tobago	Strombus	gigas	II	B	W	2	shell	personal	confiscated	
2002	import	Vietnam	Scleractinia	sp.	II	B	W	1	coral	personal	confiscated	
2002	import	Thailand	Tridacnidae	sp.	II	B	W	1	shell	personal	confiscated	
2002	import	Thailand	Tridacnidae	sp.	II	B	W	1	shell	personal	confiscated	
2002	import	Thailand	Scleractinia	sp.	II	B	W	1	coral	personal	confiscated	
2002	import	Indonesia	Scleractinia	sp.	II	B	W	2	coral	personal	confiscated	
2002	import	Mexico	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2002	import	Vietnam	Moschus	sp.	I/II	A/B	W	20	medicine	personal	confiscated	
2002	import	Vietnam	Panthera	pardus	I	A	W	20	medicine	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A/B	W	50	plaster	personal	confiscated	
2002	import	Caribbean	Strombus	gigas	II	B	W	2	shell	personal	confiscated	
2002	import	Caribbean	scleractinia	sp.	II	B	W	3	coral	personal	confiscated	
2002	import	Bahamas	Strombus	gigas	II	B	W	2	shell	personal	confiscated	
2002	import	Barbados	Strombus	gigas	II	B	W	2	shell	personal	confiscated	
2002	import	Bahamas	Strombus	gigas	II	B	W	2	shell	personal	confiscated	
2002	import	Bahamas	Scleractinia	sp.	II	B	W	U	coral	personal	confiscated	
2002	import	Russia	Huso	huso	II	B	W	1 ds	caviar	personal	confiscated	
2002	import	USA	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2002	import	Mexico	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2002	import	Cuba	Strombus	gigas	II	B	W	4	shell	personal	confiscated	
2002	import	Cuba	Scleractinia	sp.	II	B	W	5	coral	personal	confiscated	
2002	import	Morocco	Uromastix	spp.	II	B	W	1	stuffed	personal	confiscated	
2002	import	Cuba	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2002	import	Cuba	Strombus	gigas	II	B	W	2	shell	personal	confiscated	
2002	import	Dom. Rep.	strombus	gigas	II	B	W	2	shell	personal	confiscated	
2002	import	Puerto Rico	Scleractinia	sp.	II	B	W	8	coral	personal	confiscated	
2002	import	Puerto Rico	strombus	gigas	II	B	W	2	shell	personal	confiscated	
2002	import	Puerto Rico	Scleractinia	sp.	II	B	W	23	coral	personal	confiscated	
2002	import	Thailand	Naja	naja	II	B	W	1	belt	personal	confiscated	
2002	import	USA	Strombus	gigas	II	B	W	6	shell	personal	confiscated	
2002	import	USA	scleractinia	sp.	II	B	W	2-3 kg	coral	personal	confiscated	
2002	import	Thailand	Naja	naja	II	B	W	1	belt	personal	confiscated	
2002	import	South Africa	Loxodonta	africana	II	B	W	1	chess board	personal	confiscated	
2002	import	Thailand	Naja	naja	II	B	W	1	belt	personal	confiscated	
2002	import	Thailand	Python	reticulatus	II	B	W	1	belt	personal	confiscated	

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Year	Transtype	Country	Species		App	EU-Annex	Origin	Number	Type	Purpose	Comments	Fine
2002	import	Seyshells	Scleractinia	sp.	II	B	W	2 kg	coral	personal	confiscated	
2002	import	Lebanon	Pernis	apivorus	II	A	W	1	stuffed	personal	confiscated	500 DKK
2002	import	Philippines	Tridacnidae	spp.	II	B	W	2 stk.	shell	personal	confiscated	
2002	import	China	Moschus	spp.	I-II	A-B	W	100 ml. 20 stk.	pills, lotion	personal	confiscated	
2002	import	China	Panthera	pardus	I	A	W	5 plaster	plaster	personal	confiscated	
2002	import	China	Moschus	spp.	I-II	A-B	W	"	plaster	personal	confiscated	
2002	import	Australia	scleractinia	sp.	II	B	W	2 kg	coral	gift	confiscated	
2002	import	Australia	Tridacnidae	sp.	II	B	W	800 g	shell	gift	confiscated	
2002	import	Venzuela	Scleractinia	sp.	II	B	W	4	coral	personal	confiscated	
2002	import	Venzuela	Tridacnidae	sp.	II	B	W	1	shell	personal	confiscated	
2002	import	Mozambique	Tridacnidae	sp.	II	B	W	10	shell	personal	confiscated	
2002	import	Mozambique	Scleractinia	sp.	II	B	W	25	corals	personal	confiscated	
2002	import	China	Saussurea	costus	I	A	W	10	ampuls	personal	confiscated	
2002	import	China	Saiga	tatarica	II	B	W	400	pills	personal	confiscated	
2002	import	Morrocco	python	sebae	II	B	W	1	shoes	U	confiscated	
2002	import	China	Saiga	tatarica	II	B	W	24	pills	personal	confiscated	
2002	import	China	Saiga	tatarica	II	B	W	8	pills	personal	confiscated	
2002	import	Thailand	Crocodylia	sp	II	B	W	1	belt	personal	confiscated	
2002	import	Thailand	python	reticulatus	II	B	W	1	belt	personal	confiscated	
2002	import	Thailand	Naja	naja	II	B	W	1	belt	personal	confiscated	
2002	import	Thailand	Sassurea	costus	I	A	W	7,1 g	powder	personal	confiscated	
2002	import	Panama	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2002	import	Thailand	tridacnidae	sp.	II	B	W	2	shells	personal	confiscated	
2002	import	Thailand	Scleractinia	sp.	II	B	W	3	corals	personal	confiscated	
2002	import	Thailand	Naja	naja	II	B	W	1	belt	personal	confiscated	
2002	import	Thailand	Naja	naja	II	B	W	1	bag	personal	confiscated	
2002	import	Thailand	python	reticulatus	II	B	W	1	purse	personal	confiscated	
2002	import	Australia	tridacnidae	sp.	II	B	W	3	shells	personal	confiscated	
2002	import	Australia	Scleractinia	sp.	II	B	W	2.09 kg	corals	personal	confiscated	
2002	import	Australia	Scleractinia	sp.	II	B	W	2	corals	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A-B	W	96	pills	personal	confiscated	
2002	import	Australia	Crocodylus	porosus	I	A	W	1	key ring	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A-B	W	233 g	pills	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A-B	W	3	ampuls	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A-B	W	12	plaster	personal	confiscated	
2002	import	USA	Strombus	gigas	II	B	W	1	shell	personal	confiscated	

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Year	Trans type	Country	Species		App	EU-Annex	Origin	Number	Type	Purpose	Comments	Fine
2002	import	China	Moschus	sp.	I/II	A-B	W	15	plaster	personal	see next	see next
2002	import	China	Panthera	pardus	I	A	W	15	plaster	personal	confiscated	500 DKK
2002	import	Syria	Pernis	apivorus	II	A	W	1	stuffed	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A-B	W	40 g	TCM	personal	confiscated	
2002	import	Seyshells	Scleractinia	sp.	II	B	W	2,3 kg	corals	personal	confiscated	
2002	import	Malawi	Hippopotamus	amphibius	II	B	W	2	tusks	personal	confiscated	
2002	import	Thailand	Scleractinia	sp.	II	B	W	4	corals	personal	confiscated	
2002	import	Indonesia	Tridacnia	sp.	II	B	W	4	shells	gift	confiscated	
2002	import	Hawaii	Scleractinia	sp.	II	B	W	1	corals	personal	confiscated	
2002	import	U	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2002	import	Phillipines	Tridacna	sp	II	B	W	2	shells	personal	confiscated	
2002	import	Phillipines	Scleractinia	sp	II	B	W	1	corals	personal	confiscated	
2002	import	Uganda	Tridacna	sp	II	B	W	1	shell	personal	confiscated	
2002	import	Thailand	Varanus	sp.	II	B	W	1	bag	personal	confiscated	
2002	import	USA	Alligator mississippiensis		II	B	W	5,6 kg	Meat	commercial/education	confiscated	see next
2002	import	USA	Strombus	gigas	II	B	W	5,6 kg	Meat	commercial/education	confiscated	1000 DKK
2002	import	Thailand	Scleractinia	sp.	II	B	W	1	coral	personal	confiscated	
2002	import	Philippines	Scleractinia	sp.	II	B	W	15	coral	personal	confiscated	
2002	import	Philippines	Tridacnidae	spp.	II	B	W	2	shell	personal	confiscated	
2002	import	Mauritius	Scleractinia	sp.	II	B	W	6	coral	personal	confiscated	
2002	import	Venzuela	Strombus	gigas	II	B	W	2	shell	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A-B	W	24	TCM, pills	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A-B	W	1	TCM	personal	confiscated	500 DKK
2002	import	China	Panthera	pardus	I	A	W	2	TCM, plaster	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A-B	W	4	TCM, tube	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A-B	W	6	TCM, pills	personal	confiscated	
2002	import	Zimbabwe	Loxodonta	africana	II	B	W	1	tusks	personal	confiscated	
2002	import	Zimbabwe	Loxodonta	africana	II	B	W	1	bag	personal	confiscated	
2002	import	Cuba	Scleractinia	spp.	II	B	W	3	corals	personal	confiscated	
2002	import	Seyshells	Scleractinia	spp.	II	B	W	13	corals	personal	confiscated	
2002	import	Seyshells	Tridacnia	sp.	II	B	W	2	shell	personal	confiscated	
2002	import	China	Moschus	sp.	I/II	A-B	W	25	plasters	personal	confiscated	
2002	import	China	Saiga	tatarica	II	B	W	48	TCM, pills	personal	confiscated	
2002	import	Singapore	Tridacnia	sp.	II	B	W	3	shell	personal	confiscated	
2002	import	Australia	Crocodylus	porosus	II	B	W	1	hatband	gift	confiscated	
2002	import	Australia	Crocodylus	porosus	II	B	W	1	hatband	gift	confiscated	

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Year	Trans type	Country	Species		App	EU-Annex	Origin	Number	Type	Purpose	Comments	Fine
2002	import	Australia	scleractinia	sp.	II	B	W	1	coral	gift	confiscated	
2002	import	Australia	scleractinia	sp.	II	B	W	7	coral	gift	confiscated	
2002	import	Curacau	Scleractinia	sp.	II	B	W	1,13 kg	corals	personal	confiscated	
2002	import	Mauritius	Tridacnia	sp.	II	B	W	1	shell	personal	confiscated	
2002	import	Bali	Tridacnia	sp.	II	B	W	3	shell	personal	confiscated	
2002	import	Bali	Scleractinia	sp.	II	B	W	7	corals	personal	confiscated	
2002	import	Thailand	Python	reticulatus	II	B	W	2	purse	personal	confiscated	
2002	import	Syria	Buteo	buteo	II	A	W	1	stuffed	personal	confiscated	500 DKK
2002	import	Mauritius	Tridacnia	sp.	II	B	W	1	shell	personal	confiscated	
2002	import	Mauritius	Scleractinia	sp.	II	B	W	6	corals	personal	confiscated	
2002	import	China	Saussurea	costus	I/II	A	W	3 pk./60 ampuller	TCM, pills	U	confiscated	
2002	import	Poland	Strombus	gigas	II	B	W	1	shell	personal	confiscated	
2002	import	Vietnam	Naja	naja	II	B	W	1	stuffed	personal	confiscated	
2002	import	South Africa	Crocodylia	sp	II	B	W	3	belt, tooth, foot	personal	confiscated	
2002	import	Seyshells	Tubipora	musica	II	B	W	2	corals	personal	confiscated	
2002	import	Malaysia	Scleractinia	sp.	II	B	W	18	corals	personal	confiscated	
2002	import	Malaysia	Tridacnia	sp.	II	B	W	3	shells	personal	confiscated	
2002	import	Thailand	Naja	naja	II	B	W	2	belt	personal	confiscated	
2002	import	Thailand	Scleractinia	sp.	II	B	W	3	corals		confiscated	
2002	import	Hawaii	Scleractinia	sp.	II	B	W	41	corals	personal	confiscated	
2002	import	U	Scleractinia	sp.	II	B	W	1	corals	personal	confiscated	
2002	import	Tanzania	Varanus	sp.	II	B	W	1	drum		confiscated	
2002	import	Indonesia	Tridacnia	sp.	II	B	W	2	shells		confiscated	
2002	import	Indonesia	Scleractinia	sp.	II	B	W	13	corals		confiscated	
2002	import	Australia	Scleractinia	sp.	II	B	W	8	corals	personal	confiscated	
2002	import	China	Gastrodia	elata	II	B	W	120	TCM, pills		confiscated	
2002	import	Vietnam	Saussurea	costus	I/II	A	W	40	TCM, pills		confiscated	500 DKK
2002	import	Curacau	Strombus	gigas	II	B	W	1	shell		confiscated	
2002	import	Cuba	Strombus	gigas	II	B	W	1	shell	personal	confiscated by conviction	
2002	import	Thailand	Python	sp.	II	B	W	2	clothes	personal	confiscated	
2002	import	Nicaragua	Crocodylia	sp	I/II	A/B	W	6	belt etc.	personal	confiscated	see next
2002	import	Nicaragua	Cheloniidae	spp.	I	A	W	3	carvings	personal	confiscated	see next.
2002	import	Nicaragua	boa	constrictor	II	B	W	1	purse	personal	confiscated	500 DKK
2002	import	Tanzania	Tridacnia	sp.	II	B	W	2	shell	sale	confiscated	

Biennial report Denmark 2001-2002

Year	Transt	Country	Species		App	EU-Annex	Origin	Number	Type	Purpose	Comments	Fine
2002	import	Greenland	Odobenus	rosmarus	III	B	W	5	tusk parts	sale	pending	
2002	import	Borneo	Scleractinia	sp.	II	B	W	2	corals	personal	confiscated	
2002	import	China	Moschus	spp.	I-II	A-B	W	2	plaster	personal	confiscated	
2002	import	Ukraine	Acipenseriformes	sp.	II	B	W		caviar	personal	confiscated	
2002	import	Fiji	Scleractinia	sp.	II	B	W	1	corals	personal	confiscated	
2002	import	Thailand	Hippopotamus	aquaticus	II	B	W	2	teeth	personal	confiscated	
2002	import	Brasil	Boa	constrictor	II	B	W	1	skin	personal	confiscated	
2002	import	Thailand	Tridacnia	sp.	II	B	W	1	shells	personal	confiscated	
2002	import	Kenya	Hystrix	crystata	III	A	W	119	spine	personal	confiscated	1000 DKK
2002	import	Seyshells	Scleractinia	sp.	II	B	W	2	corals	personal	confiscated	
2002	import	Philippines	Tridacnia	sp.	II	B	W	3	shells	personal	confiscated	
2002	import	Russia	Acipenseriformes	sp.	II	B	W	113 gr	caviar	personal	confiscated	
2002	import	U	Moschus	sp.	I/II	A-B	W	5	perfume	U	confiscated	
2002	import	Seyshells	Tridacnia	sp.	II	B	W	1	shells	personal	confiscated	
2002	import	Seyshells	Scleractinia	sp.	II	B	W	6	corals	personal	confiscated	
2002	import	China	Panthera	tigris	I	A	W	80	plaster	U		

FINLAND

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NICOLAIDES Julie (ENV)

From: Esko Jaakkola [Esko.Jaakkola@ymparisto.fi]
Sent: mercredi 22 octobre 2003 13:15
To: ENV CITES; cites@unpe.ch
Cc: citesma@ymparisto.fi
Subject: Biennial report of Finland



Biennreport031.
doc (32 KB)

Dear Sirs,
On behalf of Ministry of the Environment I am sending hereby the CITES
biennial report of Finland covering the period 2001-2002.

regards,
Esko Jaakkola
Environmental counsellor

CITES Biennial report of Finland for the period 2001 to 2002

This report is given according to Council Regulation (EC) No. 338/97 Article 15.4 (c) and Article VIII.7 (b) of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Legislative measures

As reported in our previous biennial report the national legislation for the implementation of CITES and EU regulations in Finland is the Nature Conservation Act (1096/1996).

This amended Nature Conservation Act has been in force since 1 January 1997. Section 44 of the Act deals with **International Trade in Endangered Species**: What is provided in Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein shall apply to the import, export, re-export and transit transporting, sale, offering for sale, keeping for commercial purposes, display to the public for commercial purposes and transporting for sale of the animal and plant specimens, or parts or derivatives thereof, referred to in said Regulation.

The Ministry of the Environment (MoE) was designated as the Management Authority (MA). The Finnish Environment Institute (SYKE), however, was designated as the competent authority in all matters concerning the issuance of permits and certificates. The Finnish Museum of Natural History (FMNH) of the University of Helsinki was designated as the Scientific Authority (SA).

The Ministry of the Environment shall, as necessary, prescribe more detailed provisions for the implementation of the EU Regulations. The Ministry may assign to the Finnish Museum of Natural History expert duties related to the implementation of the regulations.

It is the duty of the Customs to enforce the regulations in import, export, re-export and transit transport.

The amendment of Section 44 dealing with **Designated Custom Offices** (according to Article 12 of Council Regulation 338/97) took effect on 4 June 1997. The decree naming designated custom offices for import and export of animals and plants took effect on 15 October 1997.

The Ministry of the Environment will prepare an action plan for the import and export of endangered species, especially of live specimens. The final plan waits for the decision on the founding of an animal hospital.

Section 49 deals with possession, transportation and trade of specimens of species in Annex IV a/b of the habitats directive (92/43/EEC) and specimens of all species in the bird directive (79/409/EEC). These provisions are managed by the CITES unit at the Finnish Environment Institute as well as the provisions of the Act on conservation of whales and arctic seals (1107/1996).

Section 58 implements sanctions in Art. 16.1 and 16.2 of Regulation 338/97 and refers to environmental crime sections of the Penal Code. It prescribes penalties of minor infringements regarded as nature conservation violations. Maximum penalty is fines.

Chapter 48, section 5 of the Penal Code prescribes penalties of nature conservation offences. Maximum penalty is 2 years of imprisonment.

Section 59 of the Act prescribes forfeiture for the guilty to a violation or an offence. What has been gained or its corresponding monetary value shall be sentenced to be forfeited to the State. The value of a protected plant or animal as a representative of its species shall, however, always be pronounced forfeited. The Ministry of the Environment shall set standard monetary values for mammal and bird species.

Decision 1209 of the Ministry of the Environment giving standard monetary values for 27 mammals, 217 birds, 9 reptiles and frogs, 4 beetles, 24 butterflies, 4 mayflies and 2 mussels was amended in the beginning of

2002. The lowest values of € 17 are for common birds and mammals. The highest value € 9755 is for the endemic ringed seal of Lake Saimaa.

Amended decision of the Ministry of the Environment on the fees for the services of Finnish Environment Institute came into force in the beginning of 2001. Fee for issuance of export or import permits and re-export certificates is € 70 and for EU-certificates € 35.

Other relevant implementation legislation is included in the Hunting Act, the Customs Act and the Animal Welfare Act. SYKE has participated in the preparing of national legislation implementing the Directive on keeping animals in zoos (1999/22/EU). This directive will come into force in 2003 as a decree of Ministry of Agriculture and Forestry.

Regulatory/Enforcement measures

Cooperation between SYKE and The Customs has continued in training and implementation. In 2001 in addition to the official Customs Handbook a special handbook of restrictions was compiled to help custom officials in the implementation of regulations. Cooperation with National Board of Inspection, national party to Interpol, has continued. When necessary local Police cooperates with the Customs in the enforcement.

Prosecutor institution was reorganized in the beginning of the year 2000. During the reporting period three local prosecutors were appointed as key prosecutors specializing in nature conservation infringements of the whole country. Their work is coordinated by the Office of the Prosecutor General (OPG) and SYKE has taken part in the cooperation and training. In November 2002 OPG arranged a seminar to strengthen cooperation network against this kind of criminality.

Planning of a special hospital to house seized animals has been continued. Now housing is arranged on a case by case basis. Helsinki Zoo belongs to the European EEP-program to house specimens of the species belonging to this program. Botanical Garden of the University of Helsinki will house confiscated plants.

Seizures and confiscations

Two confiscations of goods in transit without CITES-documents were made in 2001. The first confiscation consisted of 56 kg of shoes, boots and belts made of Python sp. and Naja sp. The destination of the goods was Estonia and the origin in Thailand. Second confiscated shipment contained 21 prepared hawksbill and loggerhead turtles. Exporting country was Indonesia and destination Russia. A shipment of 1 Varanus sp. and 10 Phelsuma laticauda, all alive, was seized in Helsinki airport and finally confiscated in Schiphol airport, Amsterdam. Two cases of suspected, illegal import of whale meat were announced for police inspection.

In 2002 the Customs seized one artwork made of ivory, one hide of brown bear, and some specimens of corals and shells of Tridacna sp. All these specimens were found in travelers luggage.

Administrative measures

There are no changes to report concerning the list of designated custom offices. However there seems to be a need to designate a couple of new custom offices to the Russian border to allow importation of personal effects and hunting trophies.

In 2001 SYKE issued 108 CITES import or export permits or re-export certificates and 112 EU-certificates. A total 68 of the EU-certificates were issued for trade of brown bear specimens. In 2002 corresponding figures were 113 CITES permits or certificates and 125 EU-certificates of which 59 were issued for brown bear specimens. The four main item groups in imports and exports were hunting trophies, personal pets, watch straps and zoo animals. There was only one import permit issued for plants during this period. Helsinki Zoo imported cycads from South Africa.

Altogether 10 snowy owls (*Nyctea scandiaca*, Annex A) were transported from Spain, Belgium and The Netherlands to Finland in September and December 2002. Seven of the birds were rescued by fishing boats in the Northern Atlantic and three of them were confiscated in Belgium. SYKE coordinated transport and placement of the birds in Zooparks at Ähtäri and Ranua.

During the reporting period there has not been any changes among staff at Management Authority, Management Authority for permits and certificates (SYKE) or Scientific Authority. The CITES Unit of SYKE has got no increase in staff resources even though work load has increased.

Information

The Customs school has continued with training seminars for custom officials. During the period four one day seminars were held. The Customs and SYKE have also distributed information about amended regulations to regional contact persons, traders, pet societies and common public. Cooperation to disseminate information has been continued with WWF Finland and major zoological and botanical gardens. WWF Finland published in October 2002 a CITES related report as background material for COP 12. SYKE has continued to develop its CITES-pages in the Internet at <http://www.ymparisto.fi/CITES>. Also application forms for permits and certificates, import notification forms and labels for scientific institutions are available in the Internet.

Representatives from CITES authorities have participated in the ordinary Management Committee, Scientific Review Group and Enforcement Group meetings of the Commission in Brussels. Representative from the Customs took part in the enforcement seminar in Sabaudia, Italy in June 2001. Representatives from SYKE, Custom and Office of the Prosecutor General participated in International expert workshop on enforcement of wildlife trade controls in the EU held in Frankfurt, Germany in November 2001. Representatives from MA and SA participated in the European regional meeting of CITES in Bonn, Germany in November 2001. Finnish delegation with representatives from MA, SA and the Customs participated in the meeting of the conference of Parties to CITES, COP 12 in Santiago, Chile in November 2002.

SYKE has prepared articles for hobbyist magazines as well as press releases of CITES related matters. SYKE has also its own CITES information set in so called free-ads papers in order to inform traders about the regulations. SYKE has participated in a joint Scandinavian effort to prepare a CITES information film, which is shown to passengers in all SAS and Finnair flights to Far East destinations.

In 2002 SYKE participated with an information poster >CITES and Orchids= at the biennial exhibition of the Finnish Orchid Society. Also meetings and seminars of other CITES related hobbyist societies have been visited.

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RAPPORT BISANNUEL 2001 – 2002

I. Mesures législatives

Les textes administratifs relatifs à la CITES dépendent du Code de l'environnement (article L. 412-1) et du Code des douanes (articles 215 et 414) et des décrets et arrêtés pris pour leur application.

Code de l'environnement :

Les infractions à la réglementation relative au Code de l'environnement, notamment celles qui concernent le transport et le commerce des espèces inscrites au annexes du règlement (CE) N° 338/97, peuvent être relevées notamment par la gendarmerie, les gardes de l'office national de la chasse et de la faune sauvage, ainsi que par les agents des services vétérinaires. Tous sont habilités à pratiquer des saisies, la confiscation devant être prononcée par le juge au terme d'une procédure pénale.

Les sanctions sont de 9000 euros maximum d'amende et/ou de 6 mois maximum d'emprisonnement.

Le recueil de tous les textes nationaux pris pour la protection de la nature a été envoyé à la Commission en octobre 2000.

Textes parus en 1999 / 2000 :

- Arrêté interministériel du 9 novembre 2000 fixant la liste des tortues marines protégées sur le territoire national ;
- Arrêté interministériel du 21 décembre 2000 relatif à la procédure d'agrément des institutions scientifiques dans le cadre des échanges internationaux de spécimens d'espèces relevant de la CITES ;
- Arrêté interministériel du 27 décembre 2000 relatif à la procédure de marquages des flancs entiers et peaux de crocodiliens pour les échanges internationaux de spécimens d'espèces CITES.

Code des douanes :

Nouveau texte paru en 2001/2002 :

- Arrêté ministériel du 11 décembre 2001 portant application de l'article 215 du code des douanes, modifié par l'arrêté du 10 janvier 2002

Sanctions :

L'article 414 du code des douanes prévoit, notamment, un emprisonnement maximum de 2 ans et la confiscation de l'objet de fraude et une amende comprise entre 1 et 2 fois la valeur de l'objet de fraude, pour tout fait de contrebande ainsi que pour tout fait d'importation ou d'exportation sans déclaration lorsque ces infractions se rapportent à des marchandises de la catégorie de celles qui sont prohibées.

Les espèces de faune et de flore sauvages reprises aux annexes de la convention de Washington, ainsi que les parties et produits qui en sont issus, ont été inscrits à l'article 215¹ du code des douanes par l'arrêté du 24 septembre 1987 publié au JORF du 14 octobre 1987.

¹ Article 215 du code des douanes : « ceux qui détiennent ou transportent des marchandises prohibées au titre d'engagements internationaux, spécialement désignées par arrêté du ministre des finances, doivent à première réquisition des agents des douanes, produire soit des quittances attestant que ces marchandises ont été régulièrement importées dans le territoire douanier de la Communauté européenne, soit des factures d'achat, bordereaux de fabrication ou toutes autres justifications d'origine émanant de personnes ou sociétés régulièrement établies à l'intérieur du territoire douanier de la Communauté européenne ».

Les spécimens CITES sont réputés avoir été importés en contrebande à défaut de présentation de l'un des documents prévus par l'article 215 du code des douanes.

Pour accroître l'efficacité de la lutte contre le commerce illicite de spécimens d'espèces de la faune et de la flore sauvages, l'arrêté du 11 décembre 2001 (JORF du 26.12.2001), modifié par l'arrêté du 10 janvier 2002 (JORF du 24.01.2002), a soumis à l'article 215 du Code des douanes, outre les spécimens CITES, les spécimens d'espèces inscrites dans les annexes du règlement (CE) n° 338/97 du Conseil du 9 décembre 1996.

Les détenteurs (particuliers ou professionnels) de ces spécimens non CITES mais inscrits dans les annexes communautaires, démunis de tout justificatif, avaient la possibilité de déposer une déclaration de détention dans un bureau de douane de plein exercice jusqu'au 26 juin 2002.

La réglementation autre reste identique à celle décrite dans le rapport bisannuel 1999-2000, tant sur le plan de la mise en œuvre du règlement (CE) n° 338/97, que sur celui des sanctions et des saisies/confiscations.

II. Organes de gestion

1) Désignation des organes de gestion

Depuis le 1^{er} janvier 2001, l'instruction et la délivrance des documents requis au titre du règlement (CE) n° 338/97 sont effectués par les 26 directions régionales de l'environnement (DIREN : liste jointe). Le ministère de l'aménagement du territoire et de l'environnement a changé d'appellation : il s'appelle désormais ministère de l'écologie et du développement durable (MEDD). Au sein de ce ministère, le bureau des échanges internationaux d'espèces menacées, en charge de la CITES au niveau national, coordonne l'activité des organes de gestion régionaux et leur transmet les informations en provenance de la Commission et du Secrétariat. Il n'existe pas encore de base de données informatique centralisée des documents délivrés par les organes de gestion régionaux. Chaque DIREN remplit un tableau annuel d'activité qui est ensuite transmis au bureau des échanges internationaux d'espèces menacées, lequel compile les différentes informations régionales en vue d'établir le rapport annuel national. Il en découle que, lors d'investigations concernant un permis ou certificat donné, le bureau des échanges internationaux d'espèces menacées doit interroger au cas par cas les organes de gestion régionaux pour obtenir l'information requise.

2) Procédures utilisées pour établir le statut « né et élevé en captivité » (article 25)

La confirmation de ce statut repose actuellement uniquement sur des preuves documentaires. Les éleveurs doivent tenir à jour des registres sur lesquels sont inscrites toutes les entrées et sorties d'animaux de leurs élevages. Ces élevages et leurs registres sont régulièrement contrôlés *in situ* par les agents assermentés des directions des services vétérinaires et de l'office national de la chasse et de la faune sauvage.

Les analyses génétiques ne sont pas effectuées à des fins de contrôle, mais la réglementation nationale va prochainement introduire cette possibilité.

3) Marquage

Les oiseaux d'élevage d'espèces de l'annexe A doivent être identifiés au moyen de bagues fermées

Les autres vertébrés doivent être identifiés par transpondeur aux normes ISO11784 :1996 et 11785 :1996, à l'exception de ceux déjà marqués par un autre type de transpondeur à microfréquence pouvant être lu par un lecteur conforme à la norme ISO 11785.

La micropuce est injectée sur les tortues dont le plastron mesure plus de 100 mm. Les boïdés sont identifiés après l'âge de 6 mois. Dans l'attente, il reçoivent un certificat provisoire.

4) Partenariats

L'organe de gestion national collabore étroitement avec l'autorité scientifique bien évidemment, mais aussi avec l'administration des douanes et les autres services de contrôle (voir chapitre V). Ce partenariat existe également, à des degrés divers, au niveau régional.

Lorsque les organes de gestion suspectent certaines infractions, ils peuvent solliciter des contrôles ciblés. Ils ne sont pas toujours informés des suites de ces contrôles.

L'organe de gestion national anime trimestriellement des réunions du comité interministériel consultatif CITES et Métiers d'art (CICCMA) auxquelles participent l'autorité scientifique, les douanes, l'office national de la chasse et de la faune sauvage, les représentants des ministères en charge de l'agriculture et de la pêche, de l'artisanat, de l'Outre-mer, de la culture et des affaires étrangères, ainsi que les représentants des filières professionnelles concernées par la Convention et des ONG. Ces réunions sont destinées à informer les participants de l'évolution de la réglementation CITES et communautaire, à se concerter sur les modalités d'application nationale de ces réglementations et à préparer les positions françaises en vue des réunions communautaires et internationales relatives à la CITES.

III. Autorité scientifique

Il s'agit du Muséum national d'histoire naturelle (MNHN), lequel dispose d'une personne ressource interlocutrice des organes de gestions, qui anime un réseau d'une quinzaine d'experts et coordonne toutes les questions CITES au sein du MNHN.

Le MNHN est placé sous la tutelle conjointe des ministres chargés de l'enseignement supérieur, de l'environnement et de la recherche.

Un expert botaniste et un expert zoologiste participent aux réunions du groupe d'examen scientifique et se rendent respectivement au Comité pour les plantes et au Comité pour les animaux. La personne coordonnatrice des questions CITES participe au Comité Permanent.

Depuis 1999, en accord avec le Comité pour les plantes, des études sur la physiologie du *Prunus africana* suite aux prélèvements des écorces sont conduites conjointement entre le MNHN et le laboratoire de physiologie végétale de l'Université de Paris 7. Un premier compte rendu sommaire a été présenté lors du 10^{ème} Comité pour les plantes de décembre 2000.

En 2001, 93 avis ont été sollicités pour des spécimens de l'annexe A (188 en 2002) et 163 avis ont été sollicités pour des spécimens de l'annexe B (279 en 2002) La délivrance des avis scientifiques ne présente pas un caractère automatique : chaque demande fait l'objet d'un traitement spécifique et dans bien des cas, l'autorité scientifique demande des informations complémentaires aux DIREN. Elle impose des recherches bibliographiques, parfois longues, surtout lorsqu'il s'agit de dossiers litigieux.

IV. Douanes

1) Désignation des bureaux de douane habilités à l'importation, à l'exportation ou à la réexportation de spécimens d'espèces CITES

Conformément à l'article 12, paragraphe 1 du règlement (CE) n° 338/97 du Conseil du 9 décembre 1996, la douane française a adopté des mesures de spécialisation (compétence W), à l'importation, de spécimens d'espèces relevant des annexes de la convention de Washington ou du règlement précité. Une cinquantaine de bureaux de douane d'introduction dans la Communauté en métropole et dans les départements d'outre-mer sont dotés de cette compétence W à l'importation.

En revanche, il n'existe pas de mesure de spécialisation des bureaux de douane à l'exportation ou à la réexportation de spécimens CITES. L'exportation de spécimens CITES peut donc s'effectuer par tout bureau de douane de plein exercice.

La liste des bureaux de douane dotés, à l'importation, de la compétence W, jointe en annexe, a été modifiée, en dernier lieu, par l'arrêté du 28 août 2002 (JORF du 7.12.2002) modifiant l'arrêté du 9 février 1994 fixant la liste et les compétences particulières des bureaux de douane et de droits indirects (transfert de la compétence W du bureau de Saint-Julien Bardonnex au bureau d'Annemasse « CRD »²).

Cette liste sera transmise incessamment à la Commission des Communautés européennes pour être publiée au Journal officiel des Communautés européennes (JOCE).

Le nombre élevé (une cinquantaine) de bureaux de douane dotés de la compétence W, à l'importation, n'a pas nécessité à ce jour la désignation, après accord de l'organe de gestion français, et conformément aux dispositions de l'article 12, paragraphe 4 du règlement (CE) n° 338/97, à titre exceptionnel, d'autres offices à l'importation de spécimens d'espèces relevant des annexes de la convention de Washington ou du règlement précité.

2) Description des procédures utilisées pour compléter les documents CITES

2.1 Importation

A l'importation, dans un bureau de douane doté de la compétence W, de spécimens d'espèces reprises aux annexes A ou B du règlement (CE) n° 338/97, le service des douanes exige la présentation, à l'appui de la déclaration en douane, du permis CITES d'importation prévu par le règlement (CE) n° 1808/2001 de la Commission et émis par un organe de gestion d'un Etat membre.

Si la sous-case ad hoc de la case 24 de ce permis est remplie, le service des douanes veille à exiger la présentation de l'original du permis CITES d'exportation du pays tiers des spécimens protégés pour lesquels un document d'importation a été délivré.

Par ailleurs, le service des douanes apporte une attention particulière au renseignement de la case 27 du permis CITES d'importation. Ainsi, suite au contrôle physique et documentaire des spécimens, la quantité ou la masse nette (kg) réellement importée doit être égale ou inférieure à celle indiquée dans le cartouche du document.

Le service des douanes signe et appose un cachet officiel sur le permis CITES d'importation.

L'article 4 du règlement (CE) n° 338/97 du Conseil prévoit que l'introduction dans la Communauté de spécimens d'espèces inscrites aux annexes C ou D, est subordonnée à la réalisation des vérifications nécessaires et à la présentation préalable, au bureau de douane frontalier d'introduction (doté de la compétence W) d'une notification d'importation. Ces notifications d'importation mises à la disposition dans les bureaux

² Centre régional de dédouanement.

de douane habilités (compétence W), des opérateurs, doivent être remplis par ces derniers.

2.2 Exportation / ré-exportation

Lors de l'exportation ou de la réexportation de spécimens d'espèces reprises aux annexes A, B ou C du règlement (CE) n° 338/97 du Conseil, le service des douanes (tous bureaux) doit exiger la présentation, à l'appui, de la déclaration en douane, du permis CITES d'exportation ou du certificat CITES de réexportation émis par la direction régionale de l'environnement (DIREN)³ compétente ou par un organe de gestion d'un autre Etat membre de l'Union européenne.

3) Description des procédures utilisées pour renvoyer les documents aux organes de gestion.

3.1) Permis CITES d'importation

Après signature et apposition du cachet officiel, le service des douanes adresse à la direction régionale de l'environnement (DIREN) qui l'a délivré, l'original (formulaire n° 1) et l'exemplaire de couleur verte (formulaire n° 3) du permis CITES d'importation et remet à l'opérateur l'exemplaire de couleur jaune (formulaire n° 2).

Le cas échéant (sous-case ad hoc de la case 24 remplie), le service des douanes adresse à la DIREN compétente l'original du permis CITES d'exportation du pays tiers des spécimens protégés pour lesquels un permis d'importation a été émis.

3.2) Notification d'importation

En application de l'article 14 du règlement (CE) n° 1808/2001 de la Commission du 30 août 2001, le service des douanes renseigne et vise la case 14 de l'original (formulaire n° 1) et de la copie destinée à l'importateur (formulaire n° 2).

Le bureau de douane habilité (compétence W) remet la copie à l'importateur ou à son mandataire.

Le service des douanes renvoie l'original de la notification d'importation et tout document en provenance du pays exportateur ou ré-exportateur (dans le cas de spécimens d'espèces reprises à l'annexe III de la Convention de Washington) à la direction de la nature et des paysages du ministère de l'écologie et du développement durable.

3.3) Permis CITES d'exportation ou certificat CITES de réexportation

Après avoir renseigné et visé la case 27 du permis CITES d'exportation ou du certificat CITES de réexportation, le service des douanes remet à l'opérateur l'original (formulaire n° 1) et la copie destinée à l'opérateur (formulaire n° 2). Le bureau de douane renvoie le formulaire n° 3 (copie de couleur vert pâle) à la direction régionale de l'environnement (DIREN) qui a émis le permis ou le certificat CITES.

4) Description des procédures de saisie et/ou de confiscation des spécimens d'espèces protégées en cas d'infraction

L'article 414 du code des douanes prévoit, notamment, un emprisonnement maximum de 2 ans et, la confiscation de l'objet de fraude et une amende comprise entre une et deux fois la valeur de l'objet de fraude, pour tout fait de contrebande ainsi que pour tout fait d'importation ou d'exportation sans déclaration lorsque ces infractions se rapportent à des marchandises de la catégorie de celles qui sont prohibées (la prohibition est définie à l'article 38 du code des douanes).

Toutefois, après application de l'article 350 du code des douanes qui autorise le service des douanes à transiger avec les personnes poursuivies pour infraction douanière ou consécutivement à un jugement correctionnel qui prononce la confiscation au profit de l'administration des douanes, les spécimens CITES devenus la propriété de l'administration, connaissent les destinations suivantes :

- les spécimens vivants relevant de l'annexe I de la convention de Washington ou de l'annexe A du règlement (CE) n° 338/97 du Conseil, sont cédés gracieusement à un établissement public (exemple du vivarium du Muséum national d'histoire naturelle à Paris) ou, à défaut, au plus proche établissement privé titulaire d'un certificat de capacité pour l'élevage de l'espèce que l'administration des douanes lui cède gracieusement ;
- toutefois, dans quelques cas rares, le propriétaire d'un spécimen vivant d'une espèce relevant de l'annexe A du règlement (CE) n° 338/97 (exemple d'un chimpanzé pygmée *Pan paniscus*), qui ne peut justifier de la détention légale de ce spécimen protégé, est constitué gardien car le placement de cet animal dans un établissement zoologique est inenvisageable (animal imprégné) ;
- les spécimens vivants repris à l'annexe A du règlement (CE) n° 338/97 sont, exceptionnellement, renvoyés sous le contrôle des organes de gestion des pays importateur et exportateur, dans leur pays d'origine (cas, en 2002, de centaines de tortues importées frauduleusement à la Réunion et restituées aux autorités de l'île de Madagascar d'où elles provenaient) ;
- les parties et produits de spécimens d'espèces reprises à l'annexe I de la Convention de Washington ou à l'annexe A du règlement (CE) n° 338/97 (ivoire brut ou travaillé issu des éléphants africain ou asiatique notamment) sont cédés gracieusement au Muséum national d'histoire naturelle, au Muséums régionaux d'histoire naturelle, au musée de la douane à Bordeaux et aux écoles des douanes pour la formation des agents ;
- les parties et produits de spécimens d'espèces relevant de l'annexe I de la Convention de Washington ou de l'annexe A du règlement (CE) n° 338/97, qui n'intéressent pas les établissements cités ci-dessus sont détruits sous contrôle douanier.

5) Description des procédures de saisie de spécimens vivants d'espèces reprises aux annexes B ou C du règlement (CE) n° 338/97 importés sans les documents requis

Les spécimens vivants d'espèces relevant de l'annexe B ou C du règlement (CE) n° 338/97, devenus la propriété de l'administration des douanes après transaction ou jugement définitif, sont cédés gracieusement à un établissement public ou, à défaut, un établissement privé titulaire du certificat de capacité pour l'élevage de l'espèce sauvage que l'administration des douanes lui cède gracieusement.

Cependant, lorsque l'infraction constatée découle d'une non présentation, à l'appui de la déclaration en douane, de l'original du permis CITES d'importation délivré par l'organe de gestion du pays de destination des espèces protégées par la Convention de Washington ou par le règlement (CE) n° 338/97, dans l'hypothèse où des spécimens d'espèces sont déclarés, à l'importation, sous une dénomination faisant apparaître la prohibition (par exemple : oiseaux déclarés « perroquets »), les spécimens CITES ne peuvent être que réexportés vers leur pays d'origine.

6) Informations supplémentaires

- Effectifs dans chaque bureau de douane et nombre de personnes formées à la CITES

Les bureaux de douane dotés, à l'importation, de la compétence W, sont généralement polyvalents et il n'existe pas, en France, de bureaux de douane exclusivement réservés aux seules opérations de dédouanement de spécimens d'espèces CITES.

- **Echanges d'information**

L'administration des douanes, chargée de veiller au respect des dispositions de la Convention de Washington, notamment à l'importation, à l'exportation et à la réexportation de spécimens d'espèces CITES, depuis 1978, a noué d'excellentes relations avec l'organe de gestion national auquel elle communique trimestriellement des renseignements sur les saisies ainsi que le bilan annuel des saisies douanières portant sur les espèces protégées. L'organe de gestion national est également destinataire de tous les communiqués de presse de la douane signalant les saisies exceptionnelles. Répercutant le plus souvent des renseignements provenant d'organes de gestion des Etats membres, il transmet à l'administration des douanes des informations sur des soupçons de fraude.

- Un représentant de la direction générale de l'administration des douanes participe très régulièrement aux travaux du comité interministériel consultatif CITES et Métiers d'art (CICCMA, voir chapitre II.4)
- La collaboration avec l'autorité scientifique est également fructueuse. Les nombreux experts consultés généralement par téléphone, apportent, dans la majorité des cas, une réponse aux interrogations des services déconcentrés des douanes qui les interrogent sur le classement d'une espèce animale ou végétale sauvage dans l'une des annexes de la convention de Washington ou du règlement (CE) n° 338/97 du Conseil du 9 décembre 1996. La disponibilité de ces experts permet de recourir à leur service pour identifier des espèces de faune et de flore sauvages, en instance de dédouanement, à l'importation, dans un bureau de douane.
- De bonnes relations existent également avec l'office national de la chasse et de la faune sauvages (ONCFS), organisme avec lequel périodiquement des actions du contrôle conjointes sont menées (une demi-douzaine de constatations en 2002). L'expertise de cet office est souvent sollicitée en matière d'identification de spécimens. L'ONCFS apporte aussi régulièrement son concours à la douane pour la réintroduction dans le milieu naturel (département d'outre-mer) de spécimens vivants saisis puis confisqués.

V. Autres services de contrôle

Les directions des services vétérinaires, services préfectoraux en charge de l'application de la réglementation relative aux établissements hébergeant des animaux d'espèces non domestiques, sont en charge du suivi de ces établissements (élevages, parcs zoologiques, cirques, animaleries, etc...). Elles sont consultées par les organes de gestion sur la qualité des installations à destination (article 4.1.c du règlement CE n° 338/97) et sur le statut « né et élevé en captivité » (article 8.3.d du même règlement)

L'office national de la chasse et de la faune sauvage (ONCFS) dispose d'agents départementaux qui sont compétents pour contrôler les établissements détenant des animaux vivants, de même que pour inspecter les points de vente de spécimens. Les agents de l'ONCFS relèvent les infractions constatées et les transmettent au procureur de la République. Au sein de l'ONCFS, il existe une brigade mobile d'intervention constituée de huit agents spécialisés dans le domaine de la CITES, qui peuvent intervenir sur l'ensemble du territoire national.

VI. Formations

L'organe de gestion national dispense une « assistance technique » quotidienne auprès des organes de gestion régionaux.

Des rencontres avec les agents instructeurs en DIREN ont lieu deux à trois fois par an pour faire le point.

Par ailleurs, un séminaire d'une semaine spécifiquement axé sur la CITES et la réglementation communautaire est organisé chaque année par l'organe de gestion national pour former les services de contrôle, compléter, entretenir ou actualiser leurs connaissances. Y assistent une soixantaine d'agents des douanes, de l'Office national de la chasse et de la faune sauvage (ONCFS), des services vétérinaires et bien sûr des DIREN. Il a été tenté d'y associer des magistrats, sans succès jusqu'à présent. Des experts de l'autorité scientifique participent à ce stage.

La brigade spécialisée de l'ONCFS assure une formation de base de quinze jours pour les agents de l'établissement public affectés dans les départements. Ils disposent de spécimens saisis pour s'entraîner à les reconnaître. Un stage de rappel et de mise à jour des connaissances est effectué tous les trois ans.

Les inspecteurs-élèves, les contrôleurs-élèves et les agents de constatation-élèves des douanes reçoivent une formation sur la Convention de Washington au cours de leur scolarité. Dans chaque circonscription des douanes, dans le cadre de la formation professionnelle, le service de la formation professionnelle organise des actions de formation sur la Convention de Washington et sur la réglementation communautaire qui renforce et harmonise dans l'Union européenne, les dispositions de la CITES.

VII. Contrôles et saisies

1) Conditions d'hébergement des animaux ou des plantes vivantes dans les bureaux de douane habilités

Le bureau de douane de Roissy-en-France, qui enregistre en France, à l'importation, le trafic le plus important de spécimens d'espèces relevant des annexes de la convention de Washington, est doté, depuis plusieurs années d'une station animale permettant l'accueil, dans de bonnes conditions sanitaires d'animaux vivants protégés, en instance de dédouanement.

2) Procédure de vente de spécimens d'espèces confisquées relevant des annexes B, C ou D du règlement (CE) n° 338/97 du Conseil

En application de l'article 8, paragraphe 6 du règlement (CE) n° 338/97 du Conseil du 9 décembre 1996, la douane procède à la vente aux enchères, sous soumission cachetée, des spécimens d'espèces (uniquement des parties et des produits) relevant des annexes B à D du règlement précité.

Il est précisé que les spécimens vivants d'espèces relevant des annexes A à D du règlement (CE) n° 338/97 du Conseil ne sont pas vendus aux enchères publiques mais cédés gracieusement à des établissements publics ou, à défaut à des établissements privés dont le propriétaire est titulaire d'un certificat de capacité pour l'entretien de l'espèce sauvage qui lui a été cédé.

Avant de procéder à l'adjudication des lots, le service des douanes s'assure que l'enchérisseur n'est pas l'auteur de l'infraction ou n'a pas de lien avec celui-ci.

Dans le cas où les spécimens d'espèces CITES mis en vente ne font l'objet d'aucune enchère, ceux-ci sont détruits sous le contrôle de la douane.

3) Relevé des constatations

Voir annexes jointes (douanes et ONCFS)

VIII. Permis et certificats

1) Procédure de délivrance des permis et certificats

Le demandeur soumet un dossier à l'organe de gestion régional dont il dépend (DIREN³ de son lieu de domicile ou du lieu du siège de son entreprise). L'agent instructeur en DIREN vérifie que le dossier est complet et recevable et que le demandeur dispose des autorisations préfectorales éventuellement requises pour la détention des spécimens qu'il désire acquérir ou céder. L'agent instructeur consulte systématiquement la base de données WCMC et vérifie que la transaction envisagée n'est pas interdite au titre de la réglementation nationale et/ou communautaire.

1.1 Importations de spécimens de l'annexe A

Le dossier doit comporter l'original ou la copie du permis d'exportation correspondant.

L'agent instructeur vérifie la recevabilité de ce permis d'exportation, notamment s'il existe des quotas, puis il saisit l'autorité scientifique (MNHN⁴) au moyen d'un formulaire spécifique. Le MNHN rend son avis à l'issue d'un laps de temps variable, en principe de l'ordre de 3 semaines maximum. Si cet avis est favorable, le permis d'importation est délivré. Si l'avis est défavorable, l'organe de gestion national le communique à la Commission et le permis d'importation est refusé.

S'il s'agit d'un spécimen de l'annexe I dont la source n'est pas D (animal né et élevé en captivité), A (végétal reproduit artificiellement) ou OW (spécimen pré-Convention), un pré-permis est précédemment délivré par la DIREN, sous la forme d'une photocopie de permis d'importation incomplet, sur laquelle a été inscrit à la main : "Pré-permis : ne peut en aucun cas servir au dédouanement / this document cannot in any case be used for clearing the specimen through customs ». Lorsque le permis d'exportation correspondant est transmis, le pré-permis est complété et édité sur la liasse réglementaire.

1.2 Importations de spécimens de l'annexe B

L'agent instructeur consulte la base de données WCMC pour savoir s'il existe des avis du groupe d'examen scientifique (SRG). En cas d'avis du SRG positif, le permis d'importation est délivré. En cas d'avis du SRG négatif, l'autorité scientifique française confirme cet avis et le permis d'importation est refusé. En cas d'absence d'avis du SRG, l'agent instructeur consulte la table des avis MNHN en cours de validité (datant de moins d'un an). Si un avis analogue a déjà été rendu, il s'y rapporte, sinon, il saisit l'autorité scientifique. L'organe de gestion national reçoit copie des avis et renseigne la table des avis MNHN à l'attention des DIREN.

1.3 Importations de spécimens de l'annexe C et D

Une notification d'importation est renseignée dans le bureau de douane où le spécimen entre sur le territoire communautaire. S'il s'agit d'une espèce de l'annexe C, le permis CITES d'exportation ou le certificat d'origine sont contrôlés puis envoyés avec un exemplaire de la notification à la DIREN géographiquement compétente, ou à l'organe de gestion du pays membre importateur .

1.4 Exportations de spécimens de l'annexe A, B ou C

³ DIREN : direction régionale de l'environnement

⁴ MNHN : Muséum national d'histoire naturelle

L'agent instructeur effectue un contrôle documentaire de l'origine licite du spécimen ainsi que de sa source. S'il s'agit d'animaux nés et élevés en captivité, il vérifie que les autorisations préfectorales de l'établissement exportateur et contrôle les registres de cet établissement pour remonter la filiation jusqu'à la naissance des parents du spécimen. Le permis CITES d'exportation est délivré si l'autorité scientifique considère qu'aucun facteur ne s'y oppose.

1.5 Ré-exportations de spécimens de l'annexe A, B ou C

Une traçabilité doit être établie au moyen de documents depuis l'importation licite du spécimen. Si la source du spécimen est pré-Convention, des documents ou une expertise doivent attester de son ancienneté. Le certificat CITES de ré-exportation est délivré si l'autorité scientifique considère qu'aucun facteur ne s'y oppose.

2) Procédure de remplacement des permis et certificats

Ces documents ne sont remplacés par la DIREN qui les a émis que si le titulaire atteste sur l'honneur qu'ils ont été égarés et dans quelles circonstances ils l'ont été. L'agent instructeur inscrit alors en case 23 que ledit « présent document annule et remplace le document (*Numéro*) délivré le (*date*) ». Dans certains cas, les agents instructeurs délivrent 3 copies certifiées conformes du feuillet rose n° 4 (en remplacement des feuillets 1, 2 et 3).

3) Tarifs

Les permis et certificats sont délivrés gratuitement en France.

4) Délais

Le délai nécessaire à la délivrance des permis ou certificats est variable en fonction de la nature des spécimens, des investigations éventuellement requises et de la nécessité ou pas d'obtenir un avis de l'autorité scientifique. Il s'étend en général de une à 4 semaines.

5) Informatisation de la délivrance des permis et certificats

La France ne dispose pas de logiciel centralisé pour publier les permis et certificats à partir de saisies informatiques préalables et pour enregistrer automatiquement les données en vue de la production du rapport annuel. Les données des documents sont saisies en DIREN soit à l'aide d'un masque de saisie informatique, soit à la machine à écrire. Après délivrance du permis ou du certificat, ces données sont ressaisies par l'agent instructeur sur des tableaux EXCEL qui sont ensuite envoyés à l'organe de gestion national en vue de la production du rapport annuel.

IX. Communication

Les organes de gestion national et régionaux répondent quotidiennement à de multiples demandes de renseignement du public par téléphone, fax ou courriel. Les responsables des filières professionnelles concernées sont directement informées de leurs obligations par l'organe de gestion national.

Le rapport annuel d'activité est joint au présent rapport bisannuel. En 2002, ont été délivrés :

- 10964 permis d'importation
- 838 permis d'exportation
- 16486 certificats de réexportation
- 1123 certificats intracommunautaires

X. Participation aux réunions communautaires sur le commerce de spécimens d'espèces sauvages

L'organe de gestion national envoie un représentant à chaque réunion du Comité et à chaque réunion du groupe d'examen scientifique.

L'autorité scientifique est représentée au moins par une personne à chaque réunion du groupe d'examen scientifique (SRG).

Deux personnes, une de l'organe de gestion national et une de la brigade mobile d'intervention de l'ONCFS étaient présentes à la réunion du groupe application de la réglementation.

RELEVÉ DES CONSTATATIONS EFFECTUEES PAR L'ONCFS EN 2001 ET 2002

Nombre d'infractions au Code environnement	Statut de la personne ou de l'établissement contrôlé	Nature des spécimens	Saisies réelles	Saisies fictives (animal restant sur place)
1	Animalerie	Oiseaux		
1	Particulier	2 Pygargues à tête blanche		2
2	Particulier	2 Loups Hybrides, 1 Buse de Harris		3
1	Elevage	Anatidés		85
1	Parc de vision animalier	1 python molure, 1 boa constrictor, 1 tortue caouanne		3
1	Particulier	Cygne Tuberculé	1	
1	Etablissement de vente	Tableau sur plumes de bécasse	1	
2	Taxidermiste	Lion(tête),Belette,Fouine naturalisées	3	
1	Taxidermiste	2 Martres,Fouine,Belette naturalisées	4	
1	Particulier	20 Bottes de bulbes de Perce-Neige	20	
1	Animalerie	Mollusques		
1	Particulier	Oiseaux, Reptiles	1	
2	Etablissement de vente	Oiseaux		
1	Particulier	Oiseaux		29
2	Parc de vision animalier	Oiseaux		11
1	Artiste (numéro de présentation au public)	Grand duc de Virginie		1
1	Etablissement de vente	Anatidés		
1	Particulier	8 Sarcelles d'hiver, 2 Milouins		10
1	Particulier	Anatidés		
1	Etablissement de vente	Carapace de tortue verte	1	
2	Particulier	Anatidés		
1	Etablissement de vente	Ivoire d'éléphant		2
1	Etablissement de vente			
1	Etablissement de vente	Plumes de bécasse	1	
1	Particulier	Babouin		1
1	Etablissement itinérant	Lionne		1
1	Animalerie	Reptiles		
2	Elevage	Oiseaux, mammifères		
2	Parc zoologique	Oiseaux, Mammifères, Reptiles		
1	Parc zoologique	Oiseaux, mammifères, reptiles		
1	Parc zoologique	40 mammifères, 58 oiseaux, 16 reptiles		
2	Particulier	4 sangliers		4
1	Elevage	Dendrocygne bicoloré, Nette rousse		
1	Elevage	Dendrocygne veuf, Pilet d'Europe		
1	Particulier	Tortue grecque (Testudo graeca)		1
2	Particluier	Pluvier doré , Fouine		
2	Parc zoologique			

Nombre d'infractions au Code environnement	Statut de la personne ou de l'établissement contrôlé	Nature des spécimens	Saisies réelles	Saisies fictives (animal restant sur place)
2	Etablissement itinérant	9 crotales, 4 boas arc en ciel, 1 caïman noir, 1 caïman à front lisse	15	
1	Particulier	Tortue grecque	1	
1	Elevage			
1	Etablissement itinérant	5 lions, 1 tigresse, 1 hippo		7
	Etablissement itinérant	4 panthères, 4 pythons, 1 boa constrictor		9
1	Particulier	Cacatoes des molluques		1
1	Animalerie	1 serpent, 1 caïman		2
1	Animalerie		11	
1	Animalerie	1 tortue marginata		1
1	Animalerie	Ara bleu		1
1	Particulier	1 Singe magot	1	
1	Animalerie	Cacatoès de Goffin	1	
1	Particulier	Cacatoes des molluques	1	
2	Particulier	2 perroquets gris du gabon femelles, 1 perroquet Amazone à front jaune		3
1	Animalerie			
1	Animalerie	10 mygales		10
1	Particulier	60 passereaux	60	
1	Animalerie	Kakariki à front rouge		1
1	Elevage			
1	Particulier	1 outarde houbara empaillé	1	
1	Etablissement itinérant	2 tigres mâles (Panthera tigris)		2
1	Particulier	Grue demoiselle de numibie		2
1	Animalerie	Toture bordée		1
1	Animalerie			
1	Animalerie			
2	Animalerie	Poissons, amphibiens, oiseaux		1
1	Animalerie	Oiseaux (inséparables, perroquets, perruches)		27
1	Animalerie	9 oiseaux, poissons		9
1	Animalerie	Poissons		1
10	Etablissement itinérant	Lions et Tigres		2
2	Particulier	Anatidés		2
1	Particulier	Psittacidés - Pigeons de Nicobar		
1	Etablissement itinérant			
1	Particulier			
1	Particulier			
3	Etablissement de vente	Animaux naturalisés (Oiseaux, reptiles, Morse)		3
2	Particulier	Tortue verte		
2	Particulier	Tortue verte	90	
1	Particulier	Plumes aras sur maracas	5	
77 constatations		TOTAL	218	238

RELEVÉ DES CONSTATATIONS EFFECTUÉES PAR LES DOUANES EN 2001 et 2002

523 constatations ont été enregistrées en 2002 contre 487 au cours de l'année 2001.

Répartition des constatations par services

Année	Opérations commerciales	Surveillance	Enquête	TOTAL
2001	62	412	13	487
2002	35	477	11	523

Répartition des constatations par sites

Année	Aéroports	Ports	Autres
2001	355	41	87
2002	416	38	69

Sites où ont été effectuées les saisies les plus importantes en nombre

Année 2001

Sites douaniers	Nombre de constatations	Observations
Aéroport de Paris-Charles de Gaulle	121	- Surveillance : 114 constatations - OP/CO : 5 constatations - Ciblage : 2 constatations
Aéroport de Paris-Orly	97	- Surveillance : 59 constatations - OP/CO : 38 constatations réalisées lors du contrôle des envois par la poste.
Aéroport de Nice-Côte d'Azur	36	- Surveillance
Aéroport de Gillot-Roland Garros (Ile de la Réunion)	34	- Surveillance

Année 2002

Sites douaniers	Nombre de constatations	Observations
<u>Aéroport de Gillot-Roland Garros</u> (Ile de la Réunion)	205	- Surveillance
Aéroport de Paris-Charles de Gaulle	85	- Surveillance : 76 constatations - OP/CO : 6 constatations - Ciblage : 3 constatations
Aéroport de Paris-Orly	34	- Surveillance : 20 constatations - OP/CO : 14 constatations dont 13 réalisées lors du contrôle des envois par la poste.
Aéroport de Nice-Côte d'Azur	29	- Surveillance

Ventilation, par annexes du règlement communautaire, des spécimens saisis.

Année	Annexe A	Annexe B	Annexe C	Nombre total de spécimens saisis
2001	2 534	7 466	1	10 001
2002	2 587	5 256	-	7 843

Ventilation, par nature, des spécimens saisis

Année 2001

Ivoire (1)		Animaux vivants		Coquillages et coraux		Autres (2)	
Nombre de saisies	Nombre de spécimens saisis	Nombre de saisies	Nombre de spécimens saisis	Nombre de saisies	Nombre de spécimens saisis	Nombre de saisies	Nombre de spécimens saisis
111	2 327	99	496	94	662	183	6 516

(1) quantité totale saisie : 350 kilogrammes.

(2) dont caviar d'esturgeon : 46 constatations pour 921 boîtes saisies (396,6 kilogrammes).

Année 2002

Ivoire (1)		Animaux vivants		Coquillages et coraux		Autres (2)	
Nombre de saisies	Nombre de spécimens saisis	Nombre de saisies	Nombre de spécimens saisis	Nombre de saisies	Nombre de spécimens saisis	Nombre de saisies	Nombre de spécimens saisis
72	1 159	106	2 479	229	2 981	116	1 224

(1) quantité totale saisie : 128,1 kilogrammes.

(2) dont caviar d'esturgeon : 36 constatations pour 703 boîtes saisies (238,4 kilogrammes).

GERMANY

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**Convention on the International Trade
in Endangered Species
of Wild Fauna and Flora
(CITES)**

2001-2002

**Biennial Report
of the
Federal Republic of Germany**





**2001-2002
Biennial Report
of the
Federal Republic of Germany
in accordance with Art. 15.4 (c)
of Regulation (EC) No. 338/97**

**Edited by the
Federal Agency for Nature Conservation,
Konstantinstraße 110, 53179 Bonn**

Bonn (Germany), May 2003

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1 Legislative measures

1.1 General Remarks

Since 1st June 1997 the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) has been implemented in a uniform and binding form by all Member States of the European Union by European Regulations (EC) No. 338/97 and (EC) No. 1808/2001 (formerly Regulation No. 939/97). These provisions set out definitive rules for imports and exports, i.e. transborder movements to or from third countries, of the species covered by the Regulations. Furthermore, the marketing of the species listed in Annex A and Annex B to the Regulation is governed exclusively by EC law. There is no provision for more stringent rules, especially additional import or export approval obligations, in Germany's national law. Import restrictions may however follow from other areas of law, especially legislation on animal epidemics. Examples include the restrictions for parrots under the Psittacosis Ordinance (Federal Law Gazette I, 1991, p. 2111) and for apes under the Single Market Animal Epidemics Ordinance (Federal Law Gazette I, 1995, p. 431) – *inter alia* transposition of EG Directive 92/65/EEC – or EG decisions on fishery products, e.g. caviar. National German law contains the following provisions on the implementation of EC law:

- Provisions on competence (Art. 44 of the Federal Nature Conservation Act <BNatSchG>), e.g. with regard to the Management Authorities and the Scientific Authority;
- Provisions on administrative offences and criminal offences and other sanctions having regard to Art. 16 of Regulation (EC) No. 338/97, e.g. rules on seizures and confiscations (see 1.3.3);
- Definition of animal welfare requirements for concretisation of marking obligations under EC law.

1.2 Federal Nature Conservation Act <BNatSchG> and Federal Ordinance on the Conservation of Species <BArtSchV>

A revised version of the Federal Nature Conservation Act <BNatSchG> was promulgated on 3rd April 2002 (Federal Law Gazette I p. 1193) and has been in force since 4th April 2002. Part Five is concerned with the protection of wild fauna and flora. The Federal Nature Conservation Act also grants powers to impose further more detailed rules which are laid down in the Federal Ordinance on the Conservation of Species (<BArtSchV>, Federal Law Gazette I p. 2843) which was revised with effect from 1st January 2000. The national instruments of protection ensure effective enforcement of the international and European rules on the conservation of species. Guidelines and conventions of relevance to species conservation are implemented. As far as transposition of the EC Birds Directive (removal, possession, keeping) is concerned, the Federal Game Conservation Ordinance <BWildSchV> (Federal Law Gazette I, 1985, p. 2040) contains provisions in respect of the species governed by hunting law (Annex 1 to the Federal Game Conservation Ordinance).

Specifically, the Federal Nature Conservation Act contains the following provisions:

- The placing under protection of species listed in Annex A and Annex B of the EC Regulation on species conservation as specially protected species under national law;
- The placing under protection of species listed in Annex IV of the Habitat Directive 92/43/EEC and those European bird species protected under the Bird Directive 79/409/EEC;
- The placing under protection of indigenous species (Annex 1 of the Federal Ordinance on the Conservation of Species);
- General protection of all wild species (Art. 41 of the Federal Nature Conservation Act: prohibition of removal, access and disturbance; introduction);
- Prohibition of possession of specially protected species (Art. 42 para. 2 no. 1 of the Federal Nature Conservation Act);
- National prohibition on the marketing of species not covered by the EC Regulation (Art. 42 para. 2 no. 2 of the Federal Nature Conservation Act);
- Duty to furnish evidence of legal acquisition (Art. 49 of the Federal Nature Conservation Act);
- Information and access rights (Art. 50 of the Federal Nature Conservation Act);
- Prohibition on ownership (Art. 6 of the Federal Ordinance on the Conservation of Species <BArtSchV>, Art. 3 of the Federal Game Conservation Ordinance <BWildSchV>), and animal holding permits under *Länder* legislation;
- Book-keeping and notification obligations (Art. 5 and Art. 6 para. 2 of the Federal Ordinance on the Conservation of Species);
- Marking obligations (Art. 52 para. 7 no. 2 of the Federal Nature Conservation Act, Art. 7 ff. of the Federal Ordinance on the Conservation of Species).

The additional instruments of protection under national law are described in greater detail under 1.5.

1.3 Ordinance on Fees pertaining to the Federal Nature Conservation Act

The Ordinance on Fees of 1st April 1998 was amended with effect from 1st January 2002 (Federal Law Gazette I, p. 2981). This regulates the levying of fees for permits and certificates issued by the Federal Agency for Nature Conservation <Bundesamt für Naturschutz>. The fees are based on the individual circumstances, examples of which are shown in the table below.

Living specimens	Fee
Import permit	€ 41.-
Export permit	€ 21.-
Re-export certificate	€ 25.-
Ownership certificate/combined permit	€ 30.-
Dead specimens, parts and derivatives	
Import permit	€ 16.-
Export permit	€ 12.-
Re-export certificate	€ 12.-
Ownership certificate/combined permit	€ 20.-
General	
Negative certificate	€ 13.-
Blank forms for registered propagation units	€ 6.-

Attachment of an annex expanding the permit results in a surcharge of half the fee shown in the table of fees for the relevant permit or certificate.

In exceptional cases, an exemption from fees may be granted for the import, export or re-export of specimens for the purpose of scientific research and teaching, particularly where this contributes to conservation of the species in question, and in the case of applications pertaining to specimens which are imported or exported for the purpose of scientific breeding programmes aimed at species conservation. As a general principle, there is no special form for applications for exemption from fees. The applicant must submit evidence of compliance with the requirements for fee exemption, e.g. in the form of a certificate from a recognised scientific institution indicating that the specimens will be used for the aforementioned purposes. Furthermore, fee reductions will be granted if the fee payable exceeds the value of the goods by more than 30 percent. The minimum fee is € 5.-. No fee is charged for exports of artificially propagated plant specimens up to a commercial value of € 50.-.

The Ordinance on Fees does not apply to EC certificates pursuant to Art. 10 of Council Regulation (EC) No. 338/97 which are issued by the *Länder* Authorities. The fees payable in such cases are regulated by the relevant *Länder* legislation. They are essentially based on the value of the specimen for which the certificate is to be issued.

1.4 Provisions on punishment of offences

1.4.1 Administrative offences, administrative fines

Regulation	Offence	Sanction
Art. 65 para. 3 of the Federal Nature Conservation Act	Infringement of Regulation (EC) No. 338/97	Fine of up to € 50,000.- (Art. 65 para. 5 of the Federal Nature Conservation Act)
Art. 65 para. 3 no. 1 of the Federal Nature Conservation Act	Infringement of documentation duty on import, export or re-export (Art. 4 para. 1 sentence 1 or Art. 4 para. 1 sentence 2, Art. 5 para. 1 or Art. 5 para. 4 sentence 1 of the Regulation)	
Art. 65 para. 3 no. 3 of the Federal Nature Conservation Act	Infringement of ban on marketing (Art. 8 para. 1 or Art. 8 para. 5 of the Regulation)	
Art. 65 para. 3 no. 2 of the Federal Nature Conservation Act	Infringement of import notification obligation (Art. 4 para. 3 or Art. 4 para. 4 of the Regulation)	Fine of up to € 10,000.- (Art. 65 para. 5 of the Federal Nature Conservation Act)
Art. 65 para. 3 no. 4 of the Federal Nature Conservation Act	Infringement of an enforceable condition (Art. 11 para. 3 of the Regulation)	

1.4.2 Criminal acts

Regulation	Offence	Sanction
Art. 66 para. 1 and Art. 65 para. 3 nos. 1 and 3 of the Federal Nature Conservation Act	Deliberate, illegal, commercial or habitual import, export or re-export or marketing	Imprisonment of up to three years or fine
Art. 66 para. 2 and Art. 65 para. 3 nos. 1 and 3 of the Federal Nature Conservation Act	Deliberate, illegal import, export or re-export or marketing of species in Annex A to the Regulation or of other strictly protected species	Imprisonment of up to five years or fine
Art. 66 para. 3 and Art. 65 para. 3 nos. 1 and 2 of the Federal Nature Conservation Act	Deliberate, illegal commercial or habitual import, export or re-export or marketing of species in Annex A to the Regulation or of other strictly protected species	Imprisonment of at least three months but not exceeding five years

1.4.3 Seizure and confiscation

Regulation	Prerequisites	Measure	Competence
Art. 47 of the Federal Nature Conservation Act	Lack of necessary documentation on import, export or re-export, regardless of whether the party is at fault	Seizure and confiscation	Customs
Art. 49 of the Federal Nature Conservation Act	Lack of proof of legal possession/legal marketing	Seizure and confiscation	<i>Länder</i> Authority
Art. 67 of the Federal Nature Conservation Act	Offence	Confiscation as incidental consequence of an offence	Management Authority

Seizure and confiscation is a two-stage process. Seizure is a provisional action with the opportunity to submit the required documents within one month or furnish the necessary proof, whereby an extension of up to six months may be granted. As a general rule, seizure means that the specimens are taken away. In exceptional cases, specimens will be left in the custody of their holders provided that they do not dispose of them. Confiscation is a final action whereby ownership of the specimens passes to the state.

1.5 Additional instruments of protection (supplementary provisions)

1.5.1 Prohibition of possession and of national marketing

According to Art. 42 para. 2 no. 1 of the Federal Nature Conservation Act it is prohibited to gain possession of, acquire, have possession of or control over, or to handle or process animals or plants of specially protected species (**ban on possession**).

The specially protected species are defined in Art. 10 para. 2 no. 10 of the Federal Nature Conservation Act:

- Species listed in **Annex A and Annex B to Regulation (EC) No. 338/97** (species in Annex C and Annex D are not specially protected);
- Species listed in **Annex IV to the Habitat Directive (93/43/EEC)** and all European bird species (**Bird Directive, 79/409/EEC**). The individual bird species are listed in the Internet under:
<http://europa.eu.int/comm/environment/nature/directive/birdspage2en.htm>;
- Endangered indigenous species, as well as species which may be confused with the protected species, and also species listed in the **Bern Convention (Annex 1 of the Federal Ordinance on the Conservation of Species)**.

In addition to the ban on possession, there is a national **ban on marketing** of species not specially protected under EC Regulation No. 338/97. These regulations transpose the prohibitions existing under Art. 6 para. 1 of the Birds Directive – having regard to the exception for the species listed in Annex III to the Directive – and the prohibitions under Art. 12 para. 2 and Art. 13 para. 2 of the Habitat Directive. For game species of birds listed in Annex 1 of the Federal Game Conservation Ordinance, reference should be made to Art. 2 of the latter.

Exemptions from the prohibition of possession and national marketing prohibitions apply under Art. 43 of the Federal Nature Conservation Act to animals and plants of specially protected species where these were either legally

- bred within the Community and have not become ownerless;
- obtained from artificial reproduction;
- taken from nature; or
- granted individual or general exemptions
(Art. 43 para. 8 of the Federal Nature Conservation Act).

In addition to the specially protected species mentioned above, the bans on possession also apply to the following **species which are not specially protected**:

- Council Directive 83/129/EEC on skins of certain seal pups

Council Directive 83/129/EEC has prohibited the import into the Community of certain products (so-called “whitecoats” or “bluebacks”) from Harp Seal (*Phoca groenlandia*) and Hooded Seal (*Cystophora cristata*) pups for commercial purposes since 1st October 1983. The prohibition on possession and national marketing prohibition (Art. 42 para. 3 no. 1 of the Federal Nature Conservation Act) also applies to the skins of such pups and products thereof. Exemptions apply only to specimens obtained during the course of traditional hunting by the Inuit.

- Invasive species

Due to the risk of adulterating the indigenous fauna or flora or possibly endangering the population or spreading indigenous species of wild fauna or flora or populations of such species, invasive species are listed (Art. 52 para. 4 of the Federal Nature Conservation Act in conjunction with Art. 3 of the Federal Ordinance on the Conservation of Species) and are subject to a prohibition on possession and marketing in accordance with Art. 42 para. 3 no. 2 of the Federal Nature Conservation Act. This concerns the following species mentioned in Art. 3 of the Federal Ordinance on the Conservation of Species:

<i>Castor canadensis</i>	-	American beaver
<i>Sciurus carolinensis</i>	-	Eastern gray squirrel
<i>Macrolemys temminckii</i>	-	Alligator snapping turtle
<i>Chelydra serpentina</i>	-	Common snapping turtle

Exemptions only apply to animals which were legally held in Germany prior to 22nd October 1999.

1.5.2 Reporting and book-keeping obligations

As a general rule, those who acquire, handle, process or circulate animals or plants of specially protected species for commercial purposes, i.e. with the aim of financial gain, are required to keep records of their actions (Art. 5 of the Federal Ordinance on the Conservation of Species). In individual cases, exemptions may be granted by the competent authority provided adequate monitoring is ensured by some other means.

Anyone who keeps vertebrates of specially protected species is required to notify the same to the competent *Länder* Authority. This does not include the species listed in Annex 5 to the Federal Ordinance on the Conservation of Species, which are usually only found in the trade as specimens bred in captivity. With regard to the birds of prey listed in Annex 4 to the Federal Game Protection Ordinance <BWildSchV>, reference is made to the latter.

1.5.3 Keeping, especially of birds of prey

There is a basic ban on keeping indigenous birds of prey of the species listed in Annex 4 to the Federal Game Conservation Ordinance (Art. 3 <BWildSchV>). A privileged position is accorded to traditional falconry with the goshawk, golden eagle and peregrine falcon. Holders of a falconry licence may keep up to two specimens of these species. Anyone wishing to keep more than two specimens of these species or any specimens of other species (fish eagle, sea eagle, black kite, red kite, marsh harrier, hen harrier, sparrowhawk, common buzzard, rough-legged buzzard, kestrel, red-footed falcon, hobby and merlin) requires a special permit issued by the competent *Länder* Authority. Regarding the keeping requirements under animal protection legislation, reference is made to 5.8.

Anyone who keeps wild species in animal reserves may in certain circumstances require an appropriate permit under *Länder* legislation. The species and reserves concerned are laid down in the individual provisions of *Länder* law. It should be noted that in individual *Länder* (e.g. Lower Saxony Ordinance on Dangerous Animals, see Lower Saxony Legal and Administrative Gazette <Nds. GVBl. 2000>, p. 149) a permit is required, in the interests of public safety, for keeping certain dangerous species (apes, large cats, bears, wolves, crocodiles, poisonous snakes).

1.5.4 National marking provisions

Above and beyond the marking obligations pursuant to Council Regulation (EC) No. 338/97, which has existed since 1st June 1997 in conjunction with the issue of a marketing permit, national legislation requires that animals of the species listed in Annex 6 of the Federal Ordinance on the Conservation of Species must be marked right from the start of such keeping. The national marking obligations entered into force on 1st January 2001.

National marking provisions for species listed in Annex A to Regulation (EG) No. 338/97 are based on the requirements of Articles 36 and 37 of Regulation (EG) No. 1808/2001. With due regard in particular for requirements under animal protection legislation, these specify details of the marking methods for those mammal, bird and reptile species listed in Annex 6 of the Federal Ordinance on the Conservation of Species. For example, there is a ban on marking of falconry birds with a transponder; this also applies to animals that have not yet attained a certain weight (200g or 500g for tortoises). Account is taken of methods of a more animal welfare-oriented nature, such as in particular identification of individuals by photo documentation for reptiles. Expert opinions have shown that documentation of certain body features in accordance with suitable technical requirements, especially in conjunction with an animal passport, is suitable for practical use. Problems arise with young animals, whose characteristics may yet undergo substantial changes, which means that documentation must be repeated to ensure continuous tracking of the changes in body characteristics. The planned amendment to the Federal Ordinance on the Conservation of Species seeks to introduce a general choice between transponder and documentation.

2 Regulatory measures

2.1 Infringements and legal measures including seizures, cautions, administrative fines and criminal offences

2.1.1 Measures at Federal level

In 2000 the Federal Agency for Nature Conservation recorded a total of 2.726 and in 2001 a total of 2.064 procedures initiated by Federal authorities on the grounds of infringements of the Federal Nature Conservation Act. It also lists procedures which were only investigated within Germany by the Federal authorities and were not based on seizures by the customs authorities at external borders (2000: 43; 2001: 66 procedures). In parallel with the seizure and confiscation procedures, investigations are conducted when criminal or administrative offences are suspected, and these are concluded by the competent bodies. Administrative offences fall under the statute of limitations after three years, criminal offences within five years. Fines of up to € 50,000.- and imprisonment of up to five years constitute the statutory framework (Sections 65 and 66 of the Federal Nature Conservation Act).

2.1.1.1 Progress of confiscations and administrative offence procedures initiated in 2000 and 2001 (status as per 28th February 2003)

Status of procedures (28 th February 2003)	from 2000	from 2001
Outstanding procedures	51	88
Discontinued by Federal Agency for Nature Conservation	2,059	1,432
Cautions, in some cases with cautionary fines	105	98
Administrative orders imposing a fine	374	289
<i>of which: currently being enforced by Federal Agency for Nature Conservation</i>	43	25
<i>of which: under appeal</i>	5	13
Ongoing investigations into suspected criminal offences	15	34
Discontinued by public prosecutors/courts	21	34
against payment of a fine (Art. 153a Code of Criminal Procedures)	58	52
Orders imposing punishments, sentences	43	37
<i>Total procedures</i>	2,726	2,064

2.1.1.2 Details of infringements

Apes and parrots

In May 2001 officials in the transit zone of Frankfurt Airport discovered two suspicious pieces of luggage. Since these were left unattended for a long period, they were opened. The first case contained a total of 52 parrots (Grey Parrot, Senegal Parrot, Emerald Parakeet, Alexandrine Parakeet) crammed into small bamboo cages. By this time 51 of the birds had died; only one bird showed any sign of life. The second bag contained a total of ten young monkeys (Mona Monkey), also in bamboo cages. These monkeys were very weak, but still alive. The bags belonged to a Nigerian woman who was trying to take them as hand baggage from Lagos/Nigeria to India via Frankfurt. She was temporarily taken into custody, and a court subsequently imposed a suspended sentence of 15 months imprisonment.

In April 1999 two young Slow Loris (primates) were smuggled in from Thailand under a passenger's clothing. In 2001 the court imposed a fine for contravention of the animal epidemics legislation.

Birds of prey

Extensive and complicated investigations involving considerable technical and human resources were conducted by the *Länder* criminal investigation departments of Brandenburg and Saxony to clear up cases of robbery from bird of prey nests in Germany. Eggs or small down-covered chicks were taken from the nests to make it possible to fit closed rings and thereby create the impression that the birds were bred in captivity. Genetic examinations and ultimately also the confessions of the offenders, who made a profit of over € 100,000.- on the sale, confirmed the illegal removal from nature. Well over a hundred birds of prey were removed from nests between 1995 and 2000, in particular the species Red Kite, Black Kite, Sparrowhawk, Goshawk and Peregrine Falcon. On the basis of false information the competent nature conservation authority had issued EC marketing certificates. The withdrawal of these certificates was also notified to management authorities in the United Kingdom, Spain and Austria, to enable further investigations to be conducted against the buyers.

The principal parties accused were sentenced to several years imprisonment (more than three years) and to a suspended sentence of less than two years' imprisonment. The criminal proceedings against the responsible administrative officials on the grounds of deliberate false certification in office pursuant to Section 153a of the Code of Criminal Procedures was discontinued against payment of a fine. A large proportion of the birds of prey seized were re-released into the wild. 13 Red Kites (*Milvus milvus*) were accommodated in a resettlement project in Scotland. The case demonstrates clearly how important it is to undertake genetic investigations at least on a sample basis when making checks on the breeding of birds of prey.

In the previous 1999 – 2000 biennial report an infraction case on the collection of birds eggs was reported. One of the main actors involved had been meanwhile sentenced to two years imprisonment on probation and a fine of € 2,400.-.

On 25th November 2001 airport staff at Berlin-Tegel Airport drew the attention of customs officials to the fact that two newly unloaded cases might contain living animals. With the assistance of the competent border veterinary officer the cases were x-rayed because it was suspected that they might contain dangerous living animals. This revealed that the cases probably contained birds. On opening, the cases were found to contain a total of eight Saker falcons (*Falco cherrug*). The birds were bound with string round their body and legs, and they had hoods over their heads. They were also packed in fabric bags. The birds were taken to a care centre, where they were looked after. Despite extensive care, one bird died a short while later. Thus, as in 2000, another consignment was discovered which demonstrated the existence of illegal traffic in living birds of prey between Mongolia and the United Arab Emirates.

Parrots

In February 2002 officials at Düsseldorf airport stopped a consignment of 100 Grey Parrots and approximately 600 Senegal Parrots from West Africa bound for the United Kingdom. The veterinary authority found that the birds were not being shipped in compliance with the provisions on the shipment of living animals. Fifteen parrots were already dead on arrival in Düsseldorf, and a further 55 died shortly after arrival. In view of the non-IATA-compliant carriage, the species conservation documents belonging to the consignment had to be regarded as invalid, and the parrots were consequently confiscated.

In December 2000 and January 2001 a Slovakian citizen twice attempted to smuggle parrots from Jamaica into the country. For this purpose the parrots were given medication to tranquillise them and transported in a suitably prepared rigid suitcase. The suitcase was handed in without any special identification, and was therefore treated as normal baggage and exposed to low temperatures in the hold. Because of this cruelty to animals, the Slovakian man was given a suspended sentence of nine months imprisonment.

For the illegal importation of eight living parrots from Switzerland in 2001 the court imposed a fine of € 4500.- (90 days at € 50.- per day).

In the case of the purchase of ten illegally imported Blue-headed Macaws (*Ara couloni*) in 1998 and 1999, the criminal proceedings were discontinued in 2000 against payment of a sum of approximately € 5,000.-. False German CITES certificates had been used to trick the Portuguese enforcement authority into accepting the legality of the parent birds.

Reptiles and amphibians

No major offensives of the kind seen in 1996 to 1999 were recorded in the reporting period. In the reptiles sector, however, there continued to be illegal imports from Poland and the Czech Republic. In one case a German citizen was given a suspended sentence of four months imprisonment for importing 20 Greek land tortoises. In individual cases, land tortoises were imported from Syria, Turkey, Tunisia and East European countries, resulting in penalties of up to € 1,400.-.

Illegal imports of South American poison-dart frogs (*Dendrobatidae*) from Costa Rica continue to be reported, though not in such large numbers as in the last report. In one case the criminal proceedings were discontinued on payment of € 1,800.-. In another case a fine of € 4,000.- was imposed in 2002 for the illegal importation of 184 such frogs in the year 2000

Orchids

As a result of the political changes, Asia in particular has become a popular region for orchid lovers in recent years. Vietnam and China are the home of many rare or as yet unknown plant species. In May 2001 a well-known importer of orchids approached the customs officials at a German airport to obtain customs clearance for a consignment of orchids that he had brought from Taiwan himself. There were two cartons of orchids, for which he was apparently able to present the necessary permits. The customs office had however received Information from the Federal Agency for Nature Conservation and the Customs Criminal Investigation Department that this importer's consignments should only be cleared after checking by an independent expert. This precaution proved to be correct and effective. The expert found that of the total of 671 plants, only 21 agreed with the permits presented. The other plants included 57 specimens removed from the wild that were subject to maximum protection (Annex A), and 141 plants also removed from the wild which were listed in Annex B to Regulation (EC) No. 338/97.

In late October 2001 a young man appeared at another customs office to collect his father's suitcases which had been sent on after him. The father had returned from Vietnam a short time before. Since the father was known to the customs officials as an orchid dealer and breeder, the person collecting the suitcases was, to his own astonishment, asked to open them. A total of 104 orchids were found in the suitcases, including 78 lady's slipper orchids of the Genus *Paphiopedilum*. No documents were submitted for these plants.

In 2001 a person who made four collecting trips to Indonesia between 1989 and 1996 and smuggled in at least ten strictly protected *Paphiopedilum* orchids was sentenced to pay a fine of DM 1,600.- (40 days at DM 40.- per day).

Certain orchid plants are also used in the medicinal herbs field or for food production. In 2001 a company was sentenced to pay a fine of DM 5,000.- for the non-approvable importation of 220 kg tubers of the Early-Purple Orchid (*Orchis mascula*) from Albania in 1998. The terrestrial orchid tubers are removed from nature, pulverised and then used as "salep" for the production of ice cream or drinks, especially in Turkey.

Cacti

Cactus lovers and collectors continue to travel to Central America in particular to remove cactuses from the wild for their greenhouses at home or as a popular item for exchange with other collectors. It is by no means unusual for inspection of cases to reveal several hundred living plants hidden in the dirty washing. In 2001 criminal proceedings in a case of unapproved importation from Mexico in 2000 were discontinued against payment of DM 10,000.-.

An aggravating factor is the fact that the offenders are frequently well informed about the regulations in force. However, in the interests of their hobby they disregard the protected status of the plants and the damage they cause, or at least tacitly accept it. Frequently they even argue that they are the real conservationist of species, since they "have saved plants from destruction by road building, farming or other human encroachments".

Caviar

In April 1998 all species of sturgeon were made subject to the provisions under CITES. Since this date a consistently high level of illegal trading in caviar has been recorded. In addition to tourists who bring back small quantities for their own personal consumption or as gifts and are detained by customs officials, there are repeated cases of finds involving large quantities of caviar. Closely connected with these are investigations conducted within Germany which result in the detection and seizure of large quantities of illegally traded caviar. Seizures of 100 kg or more are by no means unusual.

In the period under review, illegal imports of caviar were punished with fines and suspended sentences based on imprisonment of from four to eight months, or in some cases as much as twelve months.

Ivory products

Infringements in this sector are usually cases of private individuals who import ornaments or souvenirs made of ivory. Occasionally, however, people also act from commercial interests to sell illegally acquired ivory. In one case a person who illegally imported ivory products from China and also sold ivory illegally in the EU was given a suspended sentence of six months imprisonment. A fine of DM 13,500.- (90 days at DM 150.- per day) was imposed for the illegal import of two tusks and five ivory products from Togo in 2001.

Prepared butterflies

Butterflies behind glass are attractive objects to look at. Birdwing butterflies of the genera *Ornithoptera*, *Trogonoptera* and *Troides* are especially interesting for collectors, who – driven by their passion, and sometimes by the prospect of financial gain – disregard the law and collect specimens from nature. Isolated cases are brought to light. In 2001 nearly 10,000 birdwing butterflies were found in the possession of one individual, including some 400 strictly protected species which were also offered for sale. Some of the insects had been collected in China. The criminal proceedings were discontinued against a payment of € 1,500.-.

Examples of fines imposed in other areas:

- Keyboards made of ivory: Fine: € 2,500.-
- Prepared birds of prey: Fine: up to € 1,200.-
- Shells of Hawksbill Turtle from Vietnam: Fine: up to € 450.-
- Teeth or claws of hippopotamus, tiger, margay or leopard: Fine: € 500.- to € 1,000.-
- Leather products (slender-snouted crocodile, pythons): Fine: € 600.- to € 2,700.-
- Skins (ocelot, jaguar, brown bear): Fine: up to € 1,000.-
- Commercial trade in stony corals: Fine: approx. € 1,000.-

2.1.1.3 “Administrative offence procedures”

In addition to sentencing by the public prosecutors and courts, the Federal Agency for Nature Conservation also initiates administrative offence procedures. Fines of up to € 50,000.- may be imposed. The Federal Agency for Nature Conservation has an annual revenue of between fifty thousand and one hundred thousand Euro. The infringements are largely cases of unauthorised imports of tortoises or red-eared sliders or of stuffed birds of prey and owls, mostly imported without permits from East European countries. Imports also include tortoise shells of the loggerhead turtle, leather products (monitor lizard, crocodile, python, elephant) and ivory products (especially from African countries).

In the following examples, fines of € 1,000.- and over were imposed during the reporting period:

- | | |
|--|-------------------------|
| • Import of 100 kg caviar: | Fine: € 10,000.- |
| • Import of 14 chameleons from Tunisia: | Fine: € 3,000.- |
| • Import of ivory products from China: | Fine: approx. € 2,500.- |
| • Import of 68 Russian Tortoises from Poland: | Fine: approx. € 1,250.- |
| • Import of six Red-footed Tortoises from Venezuela: | Fine: approx. € 1,250.- |
| • Import of a jaguar skin from Paraguay: | Fine: € 1,000.- |
| • Import of four land tortoises from Tunisia: | Fine: € 1,000.- |

2.1.1.4 Seizures and confiscations by Federal authorities

The procedures by Federal authorities listed under 2.1.1.1 essentially involve seizures at Germany’s external borders, particularly at Frankfurt, Munich, Berlin-Tegel, Stuttgart, Leipzig, Düsseldorf and Hanover airports. The diagrams under 2.1.1.5 illustrate the distribution of seizures among the individual customs authorities. In 2001 a total of 3,188 seizures were made by 105 customs offices at Germany’s external borders. In 2002 a total of 2,653 seizures were made by 119 customs offices at Germany’s external borders.

If protected animals or plants, or parts or derivatives thereof, are imported or exported without the necessary documents, they are seized by the customs authorities, generally taken away from the persons concerned, and passed to a third party. Confiscation follows within six months of seizure, in other words ownership of the specimen passes to the Federal Government, unless the seizure is revoked due to the necessary documents being issued retrospectively or for some other reason.

**Seizure and confiscation
in so-called “objective procedures”**



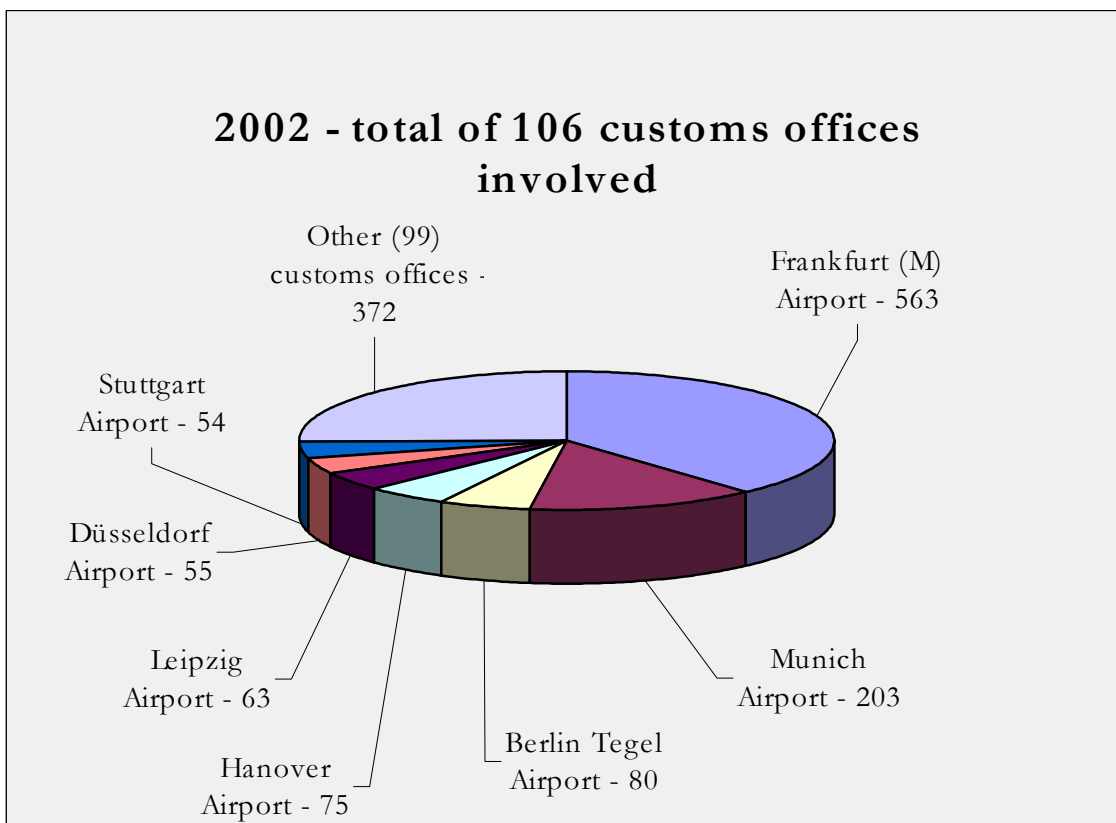
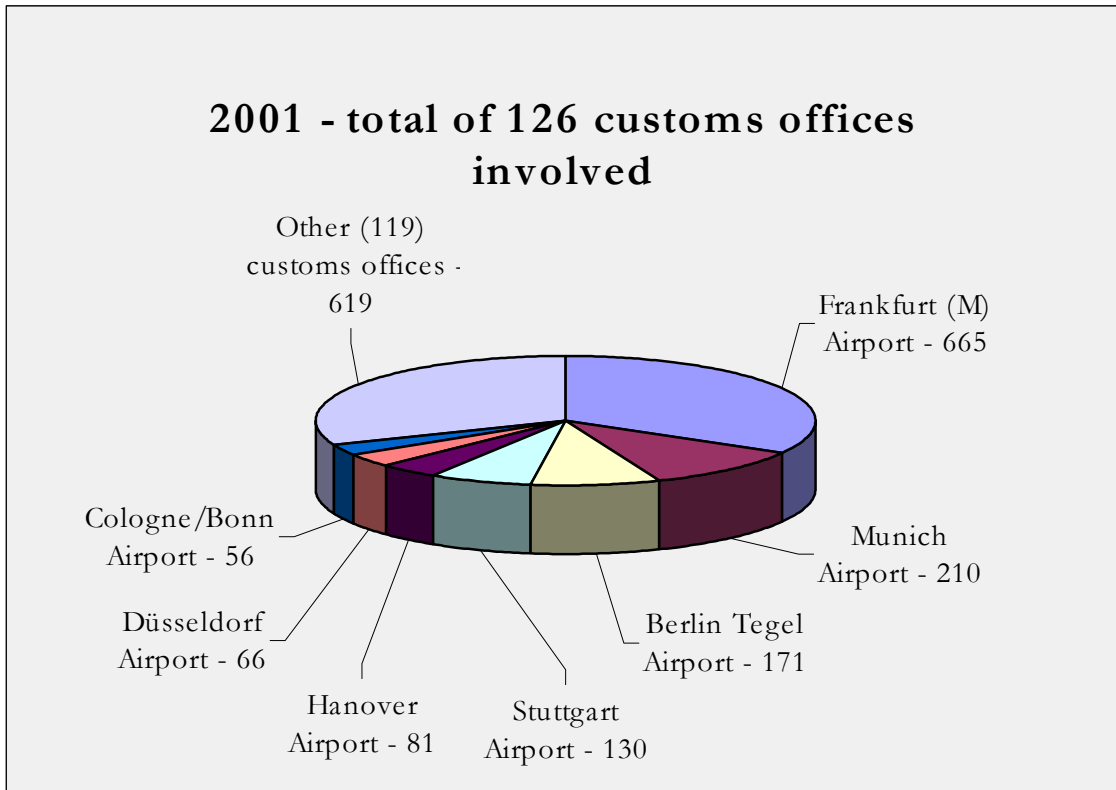
Within the context of customs handling	Within the context of internal controls
<p>Legal basis: Art. 47 para. 2 of the Federal Nature Conservation Act</p> <p>Seizure by: Customs office</p> <p>Confiscation by: Main customs office</p> <p>Disposal by: Live animals and plants: - Federal Agency for Nature Conservation Parts and derivatives: - Customs or Feder Agency for Nature Conservation</p>	<p>Legal basis: Art. 49 para. 4 of the Federal Nature Conservation Act in conjunction with Art. 47 of the Act</p> <p>Seizure by: Responsible regional authority</p> <p>Confiscation by: Responsible regional authority</p> <p>Disposal by: Responsible regional authority</p>

**Seizure and confiscation
within the context of an investigation**



Legal basis:	Art. 94 of the Code of Criminal Procedures as evidence Art. 111b of the Code of Criminal Procedures as objects subject to seizure
Seizure by:	Customs investigation office or police
Confiscation:	<p>Legal basis: Art. 67 of Federal Nature Conservation Act in conjunction with Code of Criminal Procedures and Administrative Offences Act</p> <p>Authorities which perform prosecution:</p> <ul style="list-style-type: none"> a) The competent courts in criminal proceedings b) The regional authorities in proceedings under the Administrative Offences Act c) The Federal Agency for Nature Conservation in proceedings under the Administrative Offences Act
Disposal by:	<p>The regional authorities in cases a) and b) above</p> <p>The Federal Agency for Nature Conservation in case c) above</p>

2.1.1.5 Number of confiscations at major German ports of entry in 2001/2002



2.1.1.6 Information on seizures and confiscations by customs offices in 2001

Status: 29th April 2003

Code	Description	Seizure				Cancelled				Confiscation			
		Procedure		Specimen		Procedure		Specimen		Procedure		Specimen	
		no.	kg	no.	kg	no.	kg	no.	kg	no.	kg		
LIA	Live animal	163	3.638			36	2.561			106	353		1
LIP, LVS, FLO	Live plant, leaf, flowers	93	13.383	3,0		10	8.457			57	715	3,0	
TUS	Tusk	10	15			4	7			3	4		
IVC, IVP	Ivory: carving, pieces	45	138			10	29			31	93		
LPL, LPS	Leather product (small/ large)	200	764			34	152			157	530		
TRO, CLA, SKU, TAI, TEE	Trophy and parts of trophy	73	319			26	127			38	171		
BOD	Stuffed specimen	128	364	9,0		10	46	9,0		109	179		
CAP, SCA, CAL	Calipee, scale, calipash	20	42			0	0			18	40		
SKI, SKP	Skin, skin piece	105	617			44	448			56	124		
COR, COM	Coral, also manufactured	526	4.826	2.075,0		21	1.189	302,0		504	3.637	1.773,0	
SHE	Shell	482	2.102	9,3		13	726			468	1.353	9,3	
MED, SPE, EXT	Medicine; blood tissue, extract	24	1.755	40,5	540	5	133	40,1	360	16	1.569	0,3	180
FEA	Feather	8	719			3	611			4	108		
BON, BOC	Bone, carving-bone	6	12			0	0			5	11		
HOR	Horn	3	4			0	0			2	2		
EGG	Egg, including caviar	194	0	1.651,4		2	0	1011,2		172	0	432,0	
MEA	Meat	6	1	493,1		1	0	449,3		5	1	43,8	
GAR	Garment	14	120			3	96			6	10		
HAI	Hair	4	14			0	0			4	14		
ROO	Roots	16	4.001	17,4		3	4.000	3,5		12	1	13,7	
SAL	Saw-logs	2	23	46,8		2	23	46,8		0	0		
TIM	Cacti-rainsticks, timber	73	1.348			14	1.272			56	74		
Total	Specimen	2.195	34.204	4.345,5	540	241	19.877	1861,9	360	1.829	8.989	2.275,1	180

Notes on the confiscations in 2001:

Following taxa (data not complete) and specimens were confiscated.

Information on seizures which were cancelled are indicated in italic letters.

LLA	Primates spp. (10), Psittaciformes spp. (73, 9), Falconiformes spp (12), Aves spp. (79, 100), Testudinidae spp. (45), Trachemys scripta elegans (37), Serpentes spp. (7), Chamaeleo spp. (14, 51), Iguana spp. (2), Rana catesbeiana (2), Dendrobates spp. (8, 21), Ambystoma mexicanum (10, 63), Brachypelma spp. (1); <i>cancelled: Uromastyx spp.(46), Iguana spp. (500), Acipenser oxyrinchus (1.325), Troides spp. (130);</i>
LIP,...	Aloe spp. (38), Tillandsia spp. (29, 1.795), Cactaceae spp. (436, Ariocarpus – 64, Turbinicarpus -10), Orchidaceae spp. (194, 3kg; 6.500); <i>cancelled: Galanthus spp. (90);</i>
TUS	Loxodonta africana (2, 7), Elephas maximus (1), Hippopotamus amphibius (1);
IVC, IVP	Loxodonta africana (74, 11), Elephas maximus (10, 17), Hippopotamus amphibius (9);
TRO/...	Canis lupus (TRO-3/4), Ursidae spp. (TRO-1, SKU-1/24, TEE-4, CLA-1/53), Felidae spp.(CLA-24, SKU-4, TEE-1), Crocodylia spp. (SKU-11, TEE-78), Primates spp. (SKU-5), Hippopotamus amphibius (TEE-36);
LPL (S)	Felidae (LPL: 2), Crocodylia spp. (105: 21+84), Serpentes spp. (403: 139+264), Varanus spp. (46: 26+20);
BOD	Ursus americanus- (1), Aves spp. (6- Falconiformes -30, Strigiformes -10), Reptilia spp. (66 -Serpentes 56), Scorpiones spp. (17), Lepidoptera spp. (33);
CAP, SCA	Cheloniidae spp. (3, 19), Emydidae spp. (9), Testudinidae spp. (8,1);
SKI (P)	Carnivora spp. (11, 7), Bovidae spp. (SKI-5), Crocodylia spp. (3,28), Boidae spp. (9, 48), Varanus spp. (SKP: 8);
SHE	Tridacnidae spp. (692 + 7,6 kg), Strombus gigas (661+1,7kg);
MED, ...	Primates spp. (SPE: 43), Felidae spp. (MED: 195), Odobenus rosmarus (MED: 90), Aloe ferox (EXT : 185, 180 l, 360 l), Saussurea costus (MED: 1.022), <i>cancelled: Opuntia ficus-indica (EXT-40kg);</i>
FEA	Bubo bubo (1), Pavo muticus (100, 607), Strutio camelus (4,4), Psittaciformes spp. (2);
BOC (N)	Hippopotamus amphibius(7), Odobenus rosmarus (1); Elephas maximus (BON-1), Cetaceae spp. (BON-1), Primates spp. (BON : 1) ;
HOR	Ovis ammon (2) ;
EGG	Acipenseriformes spp. (432 kg, <i>cancelled: 1.011kg</i>);
MEA	Crocodylia spp. (0, 76kg), Ursidae spp. (1), Cantharellus xanthiops (43kg); <i>cancelled: Acipenser persicus (449,3 kg);</i>
GAR	Alopec lagopus (4, 91), Capra hircus (1, 5), Canis lupus (2), Felidae spp. (2);
HAI	Hystrix cristata (10), Loxodonta africana (4);
ROO	Panax quinquefolius (1+13,7 kg, <i>cancelled: 3,45 kg</i>); <i>cancelled: Aloe spp. (4.000);</i>
SAL	<i>cancelled: Pericopsis elata (23 and 46,8 kg from Kamerun);</i>

2.1.1.7 Information on seizures and confiscations by customs offices in 2002

Status: 29th April 2003

Code	Description	Seizure				Cancelled				Confiscation			
		Procedure		Specimen		Procedure		Specimen		Procedure		Specimen	
		no.	kg	no.	kg	no.	kg	no.	kg	no.	kg	no.	kg
LIA	Live animal	167	5.109	75		46	3.993	15		98	362		
LIP, CUL	Live plant, culture	78	17.345			8	1.833			43	215		
TUS	Tusk	7	13			1	3			4	7		
IVC, IVP	Ivory: carving, pieces	27	118			2	4			17	105		
LPL, LPS	Leather product (small/ large)	174	2.377			39	823			106	1.267		
TRO, CLA, FOO, SKU, TAI, TEE	Trophy and parts of trophy	64	164			28	61			24	71		
BOD	Stuffed specimen	89	551			12	329			57	166		
CAP, SCA	Carapace, scale	11	14			1	1			9	12		
SKI, SKP	Skin, skin piece	96	2.510			60	1.231			25	1.229		
COR, COM	Coral, also manufactured	297	2.701	202		8	479	2		269	2.038	125,7	
SHE	Shell	304	969			7	10			290	915		
MED, SPE, EXT, OIL	Medicine; blood tissue, extract, oil	28	2.146	94	4,8	13	224	66	1,3	12	1.843		3,5
FEA	Feather	14	4.895			4	4.837			9	40		
BON, BOP	Bone, piece-bone	3	17			1	1			2	16		
HOR, HOC	Horn, piece-horn	4	9			0	0			0	0		
EGG = CAV	Egg, including caviar	156	0	1.262		2	0	761		132	0	286,3	
GAL	gall	1	0	(25g)		0	0			1	0	(25g)	
MEA	Meat	8	1	5		0	0			6	0	4,9	
GAR, PLA	Garment, plate	14	221			8	97			2	2		
HAI, CLO	Hair, cloth	10	367			1	1			3	22		
ROO, DPL	Roots, dried plants	15	42	81		3	3	2		8	5	3,5	
SAL, SAW	Saw-logs, sawn wood	2	0	240.040		2	0	240.040		0	0		
TIM	Cacti-rainsticks, timber	8	33			1	1			4	25		
Total	Specimen	1.577	39.601	241.683	4,8	247	13.931	240.871	1,3	1.121	8.340	420,4	3,5

Notes on the confiscations in 2002:

Following taxa (data not complete) and specimens were confiscated.

Information on seizures which were cancelled are indicated in italic letters.

LLA	Primates spp. (1), Psittaciformes spp. (21, 9), Falconiformes spp (1), Aves spp. (26, 100), Cuora spp (6), Testudinidae spp. (56), Trachemys scripta elegans (51), Serpentes spp. (6), Chamaeleonidae spp. (148, 51), Dendrobates spp. (25, 21), Troides spp. (10); <i>cancelled: Macac fasciculatus (100), Phelsuma spp. (500), Iguana spp. (1,500), Varanus spp. (90), Python spp. (909), Chamaeleo spp. (267), Pandinus imperator (390), Hirudo medicinalis (75kg);</i>
LIP,...	Aloe spp. (11, 150), Cactaceae spp. (85), Euphorbia spp. (16, 300), Orchidaceae spp. (98; 215); cancelled: Nepenthes spp. (100), Tillandsia harrisii (1.065); seized: ca. 1.200 Cactaceae spp. and 14.000 Orchidaceae spp. also as culture-CUL;
TUS	Loxodonta africana (1, 3), Elephas maximus (4), Odobenus rosmarus (2);
IVC, IVP	Loxodonta africana (98), Elephas maximus (2, 4), Odobenus rosmarus (3);
TRO/...	Canis lupus (SKU-2), Ursidae spp. (TRO-1/11, CLA-1/10), Felidae spp.(CLA-4, SKU-1/2, TEE-2), Crocodylia spp. (FOO-2, SKU-14, TEE-33/23, FOO-1, TAI-1), Primates spp. (SKU-1/3, TEE-1), Odobenus rosmarus (TEE-4), Physeter spp. (TEE-12);
LPL(S)	Crocodylia spp. (103: 7+96 ; <i>ca. 770 LPS</i>), Serpentes spp. (256: 208+48), Varanus spp. (1.004: 29+975);
BOD	Lynx lynx- (1), Hystrix cristata (9), Aves spp. (2- Falconiformes -10, Strigiformes -2), Reptilia spp. (7 - Serpentes 42), Ornithoptera spp. (83);
CAP, SCA	Cheloniidae spp. (4, 3), Emydidae spp. (9), Testudinidae spp. (5,1);
SKI(P)	Carnivora spp. (SKP:12 - Pseudalopex griseus (1.182, 1.130), Crocodylia spp. (1, 11), Boidae spp. (2, 3), Varanus spp. (SKP: 1);
SHE	Tridacnidae spp. (495), Strombus gigas (418);
MED, ...	Ursidae spp. (MED: 20, EXT: 8 thibetanus), Felidae spp. (MED: 145), Odobenus rosmarus (MED: 90), Aloe ferox (EXT : 560+3,5 l), Saussurea costus (MED: 1.045) Aquilaria mallaccensis (MED: 45); OIL Loxodonta africana (8 because of description); Crocodylia spp. (12 tins creme according to the description containing crocodiles); <i>especially SPE: Primates-tissues cancelled</i>
FEA	Pavo muticus (2, 81), Psittaciformes spp. (37); <i>cancelled: Leptoptilos crumeniferus (4.755);</i>
BON (P)	Cetaceae spp. (BON : 15, BOP : 1) ;
HOR (C)	<i>Seized: Naemorbedus goral (6), (Ovis ammon (2), Rhinocerotidae spp. (1);</i>
EGG	Acipenseriformes spp. (286,3 kg, <i>cancelled: 761kg</i>);
MEA	Crocodylia spp. (0, 26 kg), Ursidae spp. (4,6 kg);
GAR	Canis lupus (1), Felidae spp. (1); <i>cancelled: Alopex lagopus (11), Boidae spp. (2);</i>
PLA	<i>cancelled: Pseudalopex griseus (50), Cricetus cricetus (128 seized, 32);</i>
HAI	Loxodonta africana (22), Hystrix cristata (341 seized);
ROO	Panax quinquefolius (4+3,1 kg, <i>cancelled: 1,37 kg</i>); <i>cancelled: Rauwolfia serpentina (0,25 kg), Aloe spp. (3);</i>
SAL, SAW	<i>cancelled: Swietenia macrophylla (240.240kg from Brasilien);</i>

2.1.2 Measures by the *Länder*2.1.2.1 Seizures and confiscations by *Länder* Authorities in Germany in 2001/2002

Number of specimens seized and confiscated by <i>Länder</i> Authorities in 2001 and 2002													
Federal States	Year	Living animals				Living plants				Dead specimens, parts and derivatives			
		Annex A		Annex B		Annex A		Annex B		Annex A		Annex B	
		1) ¹⁾	2) ²⁾	1) ¹⁾	2) ²⁾	1) ¹⁾	2) ²⁾	1) ¹⁾	2) ²⁾	1) ¹⁾	2) ²⁾	1) ¹⁾	2) ²⁾
Baden- Württemberg	2001	15	6	9	61	0	0	0	0	11	5	8	5
	2002	0	0	4	0	0	0	0	0	34	7	6	2
Bavaria	2001	36	4	36	13	0	2	0	0	11	9	11	11
	2002	34	15	8	5	0	0	0	0	27	55	32	31
Berlin	2001	13	13	24	23	0	0	0	0	1	1	3	3
	2002	17	11	46	41	0	0	0	0	42	0	38	3
Brandenburg	2001	7	7	9	2	0	0	0	0	4	1	0	0
	2002	0	2	14	5	0	0	0	0	0	2	0	0
Bremen	2001	3	3	3	3	0	0	0	0	0	0	1	1
	2002	1	1	3	3	0	0	0	0	0	0	0	0
Hamburg	2001	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾
	2002	0	0	0	0	0	0	0	0	2	0	0	0
Hesse	2001	4	5	5	4	346	0	0	0	9	565	1.506	1.526
	2002	37	0	15	14	0	0	0	0	27	8	55	2
Mecklenburg- Western Pomerania	2001	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾
	2002	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾
Lower Saxony	2001	38	34	242	46	233	120	120	0	0	7	27	6
	2002	19	7	186	26	1	202	723	0	1	1	0	24
North-Rhine/ Westphalia	2001	224	191	88	83	0	0	0	0	58	30	4	2
	2002	29	67	53	84	0	0	0	0	36	29	81	77
Rhineland- Palatinate	2001	16	16	5	5	0	0	0	0	6	6	4	4
	2002	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾
Saarland	2001	4	0	0	0	0	0	0	0	0	0	0	0
	2002	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾	3) ³⁾
Saxony	2001	25	2	27	31	0	0	0	0	0	0	0	0
	2002	58	42	26	25	0	0	0	0	13	13	0	0
Saxony-Anhalt	2001	4	4	5	3	0	0	0	0	10	11	5	7
	2002	1	1	8	7	0	0	0	0	6	0	11	1
Schleswig- Holstein	2001	0	4	2	7	0	0	0	0	0	7	0	0
	2002	0	0	3	3	0	0	0	0	4	4	0	0
Thuringia	2001/ 2002	18	8	103	25	0	0	0	0	31	7	7	6

1) seized specimens

2) confiscated specimens

3) not specified

2.1.2.2 Number of administrative offence proceedings and criminal offence proceedings sanctioned by *Länder* Authorities in Germany in 2001/2002

		Concluded administrative proceedings		Concluded criminal proceedings		
Federal States	Year	Number	Total fines	Number	Discontinued	Total fines
Baden-Württemberg	2001	3	1,361 €	1	0	2,301 €
	2002	9	565 €	2	1	0 € ²⁾
Bavaria	2001	9	1,472 €	3	1	3,016 €
	2002	51	2,071 €	5	2	0 €
Berlin	2001	24	734 €	0	0	0 €
	2002	25	788 €	15	12	0 €
Brandenburg	2001	26	2,314 €	5	5	5,113 €
	2002	10	925 €	2	1	250 € ³⁾
Bremen	2001	5	460 €	0	0	0 €
	2002	4	600 €	0	0	0 €
Hamburg	2001	3	1,928 €	0	0	0 €
	2002	0	0 €	0	0	0 €
Hesse	2001	5	1,125 €	1	1	0 €
	2002	11	3,062 €	8	0	0 €
Mecklenburg-Western Pomerania	2001	1)	1)	1)	1)	1)
	2002	1)	1)	1)	1)	1)
Lower Saxony	2001	13	1,182 €	1	1	0 €
	2002	4	1,081 €	0	0	0 €
North-Rhine/Westphalia	2001	16	975 €	4	4	2,608 €
	2002	14	3,975 €	4	2	3,550 €
Rhineland-Palatinate	2001	6	1,403 €	2	2	767 €
	2002	1)	1)	1)	1)	1)
Saarland	2001	0	0 €	0	0	0 €
	2002	1)	1)	1)	1)	1)
Saxony	2001	40	1,979 €	0	0	0 €
	2002	1	0 €	0	0	0 €
Saxony-Anhalt	2001	2	486 €	3	2	2,400 €
	2002	4	316 €	1	1	0 €
Schleswig-Holstein	2001	0	0 €	0	0	0 €
	2002	1	1,150 €	0	0	0
Thuringia	2001/ 2002	5	2,783 €	0	0	0

1) not specified

2) in one case sentenced to sixth month imprisonment on probation

3) in one case sentenced to two years imprisonment on probation

2.1.2.3 Controls carried out by *Länder* Authorities in 2001 and 2002

Number of controls carried out in 2001 and 2002						
Federal States	2001			2002		
	1)	2)	Σ	1)	2)	Σ
Baden-Württemberg	277	113	390	279	165	444
Bavaria	596	114	710	645	116	761
Berlin	708	29	737	663	63	726
Brandenburg	48	14	62	27	6	33
Bremen	34	7	41	31	5	36
Hamburg	59	10	69	47	6	53
Hesse	124	33	157	167	30	197
Mecklenburg- Western Pomerania	3)	3)	3)	3)	3)	3)
Lower Saxony	564	120	684	489	128	617
North-Rhine/ Westphalia	1.528	232	1.760	1.287	304	1.591
Rhineland-Palatinate	408	70	478	3)	3)	3)
Saarland	58	11	69	3)	3)	3)
Saxony	270	206	476	344	368	712
Saxony-Anhalt	322	72	394	279	50	329
Schleswig-Holstein	158	19	177	201	21	222
Thuringia 4)	910 ⁴⁾	76 ⁴⁾	986 ⁴⁾
Summery	5.154	1.050	6.204	5.369	1.338	6.707

1) Regular controls

2) Controls based on tip-offs

3) Not specified

4) Total 2001/2002

2.2 Disposal of confiscated specimens by Federal authorities

2.2.1 General Remarks

When protected plant and animal species are confiscated, ownership of the confiscated specimens passes from the previous owner to the Federal Government or the relevant Federal States (*Land*). The competent Federal or *Länder* authorities decide on the ensuing disposal procedure, i.e. the permanent placement or relinquishment of the confiscated specimens. The Federal Agency for Nature Conservation is responsible for the disposal of live animals and plants confiscated by the customs authorities. Where parts or derivatives are concerned, strictly protected species are likewise the responsibility of the BfN, whilst in all other cases the decision is made by the competent customs authority.

As a general principle the Federal Government's practice is that confiscated specimens must not be sold, i.e. there is no transfer of ownership, although this possibility is not excluded entirely in certain cases subject to corresponding resolutions by the Parties to CITES. The relevant EU Regulation No. 338/97 also permits the sale of confiscated specimens of species listed in Annexes B – D (Art. 8 para. 6), whereas marketing of confiscated specimens of species listed in Annex A to EU Regulation No. 338/97 is prohibited.

In Germany, parts and derivatives are made available free of charge to interested scientific institutions or to educational institutions such as universities or schools on a permanent loan basis for teaching and educational purposes. In individual cases, such parts may also be used for scientific and research purposes. For example, ivory was loaned to a university for use in trials of bonding methods for tooth repair. Moreover, certain materials such as ivory or tortoiseshell may be given to government-owned cultural history collections for the purpose of restoring old furniture or musical instruments.

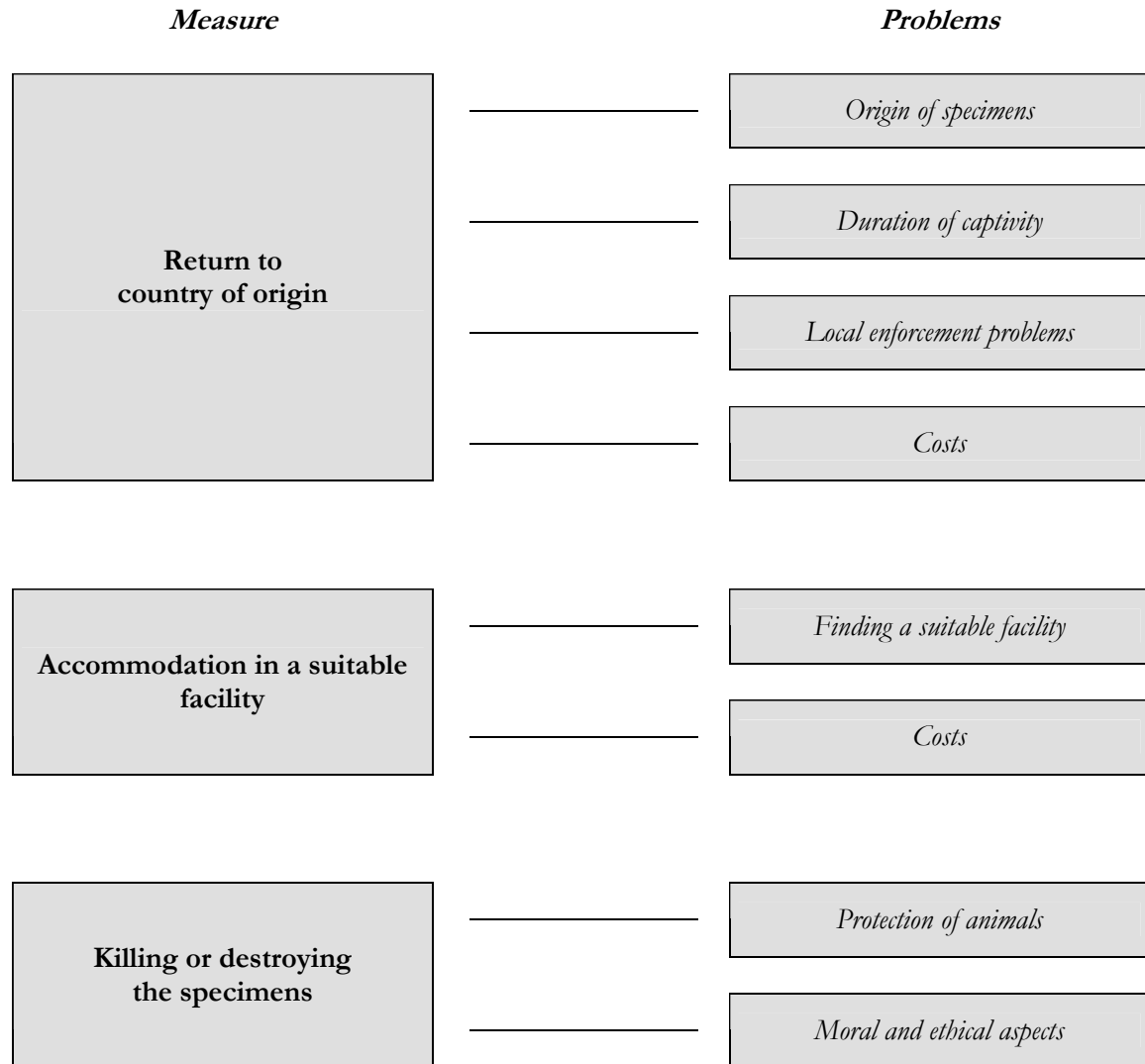
By contrast, the placement of live plants and animals poses considerably greater difficulties. In recent years, the Federal Agency for Nature Conservation has had regularly to find permanent placements for between 1,500 and 2,000 live animals per annum, and also for large quantities of live plants.

The first problems arise when the customs authorities ascertain that live specimens are being imported or exported illegally. A short-term decision must be taken on what to do with them. At present there are only two government-operated holding stations for seized live animals. These are the Biological Institute in Metelen and the Bird Sanctuary in Seebach. There are also a number of privately operated stations capable of holding live plants or animals on a temporary basis. The difficulties posed by the need for short-term accommodation are illustrated when one considers that individual cases have involved the seizure of several hundred live animals (chameleons, song-birds). Special problems arise in the case of species where not only species conservation regulations have to be observed, but also quarantine requirements under veterinary and epidemic control legislation.

The case of ten Mona monkeys described in 2.1.1.2 caused enormous accommodation problems, since there was only one state-recognised quarantine station that was allowed to take these animals. The background to this rule is the danger of spreading extremely dangerous diseases which are capable of being transmitted from monkeys to humans.

The second problem is to decide on a final placement for the live specimens. At the 10th Conference of the Parties of CITES the Parties unanimously agreed on three possible procedures (Res. Conf. 10.7).

The following diagram illustrates the options available and the difficulties associated with them:



From the point of view of species conservation, return to the country of origin is the favoured option. Unfortunately, however, this is not always possible due to lack of certain information or basic conditions. It is necessary to weigh up whether the considerable organisational effort involved is in proportion to the concrete success which can be achieved for the existing wild population. Above all, it is vital to consider the possibility that captive animals may have become infected with diseases which do not occur in the wild populations; that in many cases, the precise origin of the specimens is not known; or that extensive rehabilitation procedures may be necessary before the animals can be released back into the wild because they have been held in captivity for too long.

In the past, such measures have comparatively only been taken rarely in Germany. In the period under review several successful repatriation measures were effected in cooperation with other authorities and with nature conservation organisations. Among other things, the Saker falcons (*Falco cherrug*) seized in Berlin in 2001 were repatriated with the assistance of the Mongolian CITES Authorities and the Mongolian airline and subsequently released into the wild after a training programme. The surviving parrots from the seizure in Düsseldorf (see 2.1) were repatriated to West Africa for release into the wild on the initiative of and with active assistance from a nature conservation organisation. And 25 specimens of Bosc's monitor (*Varanus exanthematicus*) were released into the wild in their country of origin after the authorities there had agreed to the measures.

The second alternative, captivity, is the commonest option. Zoos and bird sanctuaries, botanical gardens and privately operated animal parks or reserves with suitable facilities may be considered. Before animals are transferred to such institutions or individuals on a permanent loan basis, it is necessary to investigate whether they have the necessary accommodation, and whether the individuals concerned have the relevant specialist experience and are considered trustworthy.

Certain groups of animals can currently be disposed of without difficulty. Others, however, pose major problems, including crocodiles which may grow very large, large mammals such as tigers, bears or elephants, and live apes. The situation is exacerbated when it is necessary to find suitable facilities for large quantities of animals or plants of individual species.

If the second option is also unavailable, the last resort may be the decision to kill the seized specimens. To date, such a decision has only been taken in one instance, when the animal in question had suffered considerable – and to a certain extent incurable – physical and psychological damage, due to many years of completely inappropriate captivity and diet.

Today, the placement of living specimens is a problem that can no longer be resolved at national level alone. For this reason cooperation between the Member States of the European Union has been intensified in recent years. It is no longer unusual for a crocodile seized by the British authorities to be permanently accommodated in a German zoo, or for German and Dutch authorities to collaborate closely to find a suitable home for zebras.

Table 2.3.2 contains an overview of the transfer agreements for seized specimens made by the Federal Agency for Nature Conservation in 2001 and 2002. In the case of disposal of parts and derivatives, the specimens were not necessarily confiscated in 2001 or 2002, as they may initially have been stored by the customs authorities until an agreement was signed on the basis of a concrete interest. The details do not include repatriations, loans for limited periods, or agreements made by the responsible main customs offices.

2.2.2 Overview on agreements made by the Federal Agency for Nature Conservation with custodians of confiscated specimens

	<i>Number of specimens: Annex A Regulation 338/97</i>	<i>Number of specimens: Annex B Regulation 338/97</i>	<i>Number of specimens: Annex C: Regulation 338/97</i>
<i>Living specimens</i>			
Mammals	1	12	5
Parrots	3	53	1
Other birds	13	54	-
Tortoises	65	119	-
Other reptiles	-	125	-
Amphibia	-	250	-
Tarantulas	-	7	-
Orchids	-	117	-
Cacti	-	445	-
Other plants	-	21	-
Living stony corals	-	142	-
<i>Parts and derivatives</i>			
Ivory	979	-	-
Stuffed tortoises, tortoiseshell	104	-	-
Rhinoceros horn	94	-	-
Stuffed birds of prey	82	-	-
Stuffed reptiles	26	-	-
Reptile skin products	42	-	-
Skins (wolf, bear, lynx)	49	-	-
Traditional Asian Medicine (TAM)	86	-	-
Rainsticks, cactus wood	-	35	-
Miscellaneous	-	102	-

Agreements:	476	live:	280	parts/derivatives:	196
in 2001:	262		146		116
in 2002:	214		134		80

3 Administrative measures

3.1 Designation of competent authorities

3.1.1 Management authorities according to the provisions of CITES

Federal Ministry for the Environment,
Nature Conservation and Nuclear Safety
Department N I 3
Postfach 12 06 29
D-53048 BONN
Phone ++49-228-305-2630
Fax ++49-228-305-2684
e-mail: Gerhard.Emonds@bmu.bund.de
Elisabeth.Munzert@bmu.bund.de

(The Federal Ministry does not issue any permits or certificates)

Federal Agency for Nature Conservation
Department Z 3
Konstantinstrasse 110
D-53179 BONN
Phone ++49-228-8491-0
Fax ++49-228-8491-470
e-mail: citesma@bfm.de

(The Federal Agency for Nature Conservation is the sole Management Authority empowered to issue import and export permits)

3.1.2 Scientific authorities according to the provisions of CITES

Zoology
Federal Agency for Nature Conservation
FG I 1.1
Konstantinstrasse 110
D-53179 BONN

Phone ++49-228-8491-103
Fax ++49-228-8491-200
e-mail: harald.martens@bfm.de

Botany
Federal Agency for Nature Conservation
FG I 1.2
Konstantinstrasse 110
D-53179 BONN

Phone ++49-228-8491-136
Fax ++49-228-8491-200
e-mail: uwe.schippmann@bfm.de

3.1.3 Management authorities of the Federal States

The *Länder* Authorities responsible for the issue of labels (Art. 7 para. 4 of EC Regulation No. 338/97), EC Certificates (Art. 10 of EC Regulation No. 338/97) and plant health certificates (Art. 18 para. 3 of EC Regulation No. 338/97) can be found in the European Union database under http://europa.eu.int/comm/environment/cites/info_en.htm. The list was also published in the Official Journal of the EC No. C 356 dated 8 December 1999.

3.2 Designation of customs offices for imports into and exports from the Community

In collaboration with the Federal authorities, the customs offices authorised under Art. 46 para. 3 of the Federal Nature Conservation Act <BNatSchG> perform border controls (cf. the announcement dated 18th July 2000 on customs offices via which specimens within the meaning of CITES and animals and plants within the meaning of the Federal Ordinance on the Conservation of Species may be imported and exported; Federal Gazette dated 27th April 2002 No. 9352).

At present this list contains 60 authorised customs offices in Germany. Not all customs offices are permitted to handle all goods. For example, certain offices are only authorised to handle goods sent by post. The handling of live animals subject to veterinary legislation is also restricted to a few selected customs offices. A list of all customs offices and their authorisations can be found in the Internet under www.zoll-d.de by clicking on the link “Addresses”.

Moreover, a list of authorised customs offices of the Member States of the European Union was published in the Official Journal of the European Communities, Part C, No. 356, on 8th December 1999.

3.3 Independent Experts

In order to support the work of the German customs offices and the Management Authorities of the *Länder*, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety <BMU> appoints recognised independent German expert bodies and individuals. The task of these experts is to clarify an animal's or plant's membership of a particular species or population in cases of doubt, and to issue a certificate to this effect to the party concerned. The most recent list of all experts in the Federal Republic of Germany was published by the BMU in the “Notification of the list of recognised expert bodies and individuals for the import and export of protected plants and animals” dated 22th March 2002 (Federal Gazette dated 27th April 2002 No. 9350).

3.4 Species Conservation Advisory Committee for the implementation of CITES

Following a decree by the Federal Ministry for Food, Agriculture and Forestry dated 25 August 1977, an advisory committee for the implementation of CITES was set up at the Federal Agency for Food and Forestry. The principle task of this advisory committee is to advise the Federal Agency on the implementation of CITES, particularly in relation to its role as a Scientific Authority. After its dissolution in 1994, a new advisory committee on “Species Conservation for Imports and Exports” was set up at the Federal Agency for Nature Conservation in May 1995 (Federal Gazette No. 94, amended on 29th March 1999, Federal Gazette No. 67). Its task is to advise the Federal Agency for Nature Conservation on the implementation of species conservation provisions, and also to advise the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety <BMU> on the development of species conservation legislation relating to imports and exports. It is composed of a total of 14 representatives drawn from scientists, nature conservation associations and industrial and consumer associations. The advisory committee meets at least once a year. The day-to-day business of this body and its working committees are managed by the Federal Agency for Nature Conservation. The Species Conservation Advisory Committee met four times during the reporting period 2001/2002.

4 Information

4.1 Web Sites of the Management Authorities

The Internet has increasingly become an important medium for targeted public relations work and for the exchange of the information by public authorities. The Federal Ministry for the Environment, Nature Conservation and Nuclear Safety <BMU>, the Federal Agency for Nature Conservation and numerous *Länder* authorities have developed their own web sites devoted to international and national species conservation. The following are only a small selection.

Internet address	Key items on the web site
Federal Ministry for the Environment, Nature Conservation and Nuclear Safety www.bmu.de	<ul style="list-style-type: none"> • General remarks on CITES • Results of the 12th Conference of the Parties to CITES (Chile, November 2002)
Federal Agency for Nature Conservation www.bfn.de	<ul style="list-style-type: none"> • Searchable database of specially protected species with their protection status and taxonomic classification • Searchable database of imports and exports of specimens of protected species since 1996 • Annual CITES statistics since 1996, available for viewing and downloading • Tables containing summarised statistical information on the implementation of CITES • General remarks on CITES • Regulations on the importing of hunting trophies, a list of hunting-related species with their protection status, import options and import provisions • Detailed account of the provisions governing imports for personal use • Information on applying for a CITES permit, including the relevant fees (fee schedule) and the option of downloading the application forms as a PDF file • Service links to other important international CITES sites (CITES Secretariat, EU Commission)
Lower Saxony State Office for Ecology www.nloe.de	<ul style="list-style-type: none"> • General remarks on CITES • Explanation of the provisions governing the prohibitions on possession and marketing of specially protected species

By mid 2004 the Federal Agency for Nature Conservation plans to develop an electronic application form for issuing import and export documents. It will be made available on the web site.

Brandenburg State
Environment Agency
www.brandenburg.de

- General remarks on CITES
- Notes on notification and book-keeping obligations, marking of specimens of protected species, and many other aspects

Other links to interesting web sites of the *Länder* authorities can be found via the “German Environmental Information Network” (GEIN) at its web site www.gein.de.

4.2 Press releases

In the period under review, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety <BMU> and the Federal Agency for Nature Conservation published several press releases on the subject of CITES and international species conservation, some of which generated considerable media response. The press campaigns described below give a representative overview of the spectrum of media work in the two years covered by the report.

The repatriation on 18 March 2001 of four live Saker falcons (*Falco cherrug*), which had been seized at Berlin-Tegel airport on 24 December 2000 on arrival from Mongolia in transit for the United Arab Emirates, was taken as an opportunity to draw attention to the provisions of CITES at a press conference and in an accompanying press release. This case of smuggling and the release of the repatriated birds in the wild was also used as an example to draw attention to the absolute necessity for and importance of international cooperation in the interests of implementing species conservation effectively and for the benefit of the endangered species.

To provide better guidance for the public regarding the application of species conservation regulations, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety published a comprehensive alphabetical list of protected indigenous and exotic plant and animal species (see also 6.3). This “Notification of specially protected and strictly protected species of fauna and flora pursuant to Art. 10 para. 6 no. 2 of the Federal Nature Conservation Act”, which is available both in the Federal Gazette and as an Internet database (www.wisia.de), was presented to the public by Federal Environment Minister Jürgen Trittin at a joint press conference held by the BMU and the Federal Agency for Nature Conservation on 10th April 2001.

During a visit to the two zoological gardens in Wuppertal and Cologne, Professor Hartmut Vogtmann, President of the Federal Agency for Nature Conservation, and Dr. Martin Wille, Secretary of State of the Federal Ministry of Agriculture, emphasised the outstanding role of zoos in international species conservation, in ‘ex-situ’ captive breeding programs of endangered species and the keeping of animals under conditions appropriate to the species. The joint visit on 18th April 2001 was publicised in a press release.

In connection with the jubilee celebrations held in Bonn on 20th June 2001 to mark the 25th anniversary of the entry into force in Germany of the Convention on International Trade in Endangered Species (CITES), the Federal Agency for Nature Conservation issued several press releases between early May and mid June 2001 drawing attention to the significance of the event in Germany from a species conservation point of view and the undiminished importance of international species conservation. There was considerable media response to this press campaign. This expressly acknowledged the fact that the celebrations were held jointly with local citizens and relevant associations in an appropriate setting as part of a colourful festival for the public.

Focusing on the example of a research project undertaken to investigate the possibility of sustainable use of the Devil's Claw (*Harpagophytum spp.*) in the sandy steppes on the fringe of the Kalahari Desert, a project which received financial assistance from the Federal Ministry of Environment, Nature Conservation and Nuclear Safety <BMU> and was run jointly by the Federal Agency for Nature Conservation and the Namibian government, a press campaign also drew attention to the principle of nature-friendly sustainable use which is established in international law and on which CITES is also based. The active ingredients of the Devil's Claw plant have an anti-inflammatory and analgesic effect and are placed on the market, mainly by Germany, in a whole range of phytopharmaceutical products.

In the pre-Christmas period the Federal Agency for Nature Conservation issued a press release calling on the public to refrain from buying exotic animals as Christmas presents without knowing the relevant species conservation regulations or the animals' needs with regard to appropriate housing conditions. The Federal Agency for Nature Conservation appealed to the public not to buy animals as gifts unless they were absolutely sure that the recipient was genuinely interested in such animals and possessed the necessary special knowledge and could provide the necessary conditions and care.

4.3 Brochures

In cooperation with several tour operators and publishing companies, the brochure entitled "Brief Guide to Species Conservation" which was published by the Federal Ministry of Environment, Nature Conservation and Nuclear Safety with a print run of 3,000,000 and is intended primarily for tourists, was inserted in travel or on-board magazines during the main holiday periods. In addition, considerable quantities of the brochure were made available to customs offices and airports.

On 20th June 2001, to mark the 25th anniversary of the entry into force in Germany of the Convention on International Trade in Endangered Species (CITES), the Federal Ministry of Environment, Nature Conservation and Nuclear Safety presented to the media and the public its brochure on "25 Years of CITES in Germany". The 28-page brochure, published with a print run of 5,000 copies in the "Environmental Policy" series of the Federal Ministry of Environment, Nature Conservation and Nuclear Safety, provides an extensive overview of the implementation of CITES in Germany and indicates the great political importance that the Federal Government attaches to this significant international convention.

The Federal Agency for Nature Protection produced an information leaflet on EU Regulation No. 338/97 containing summarised information on the regulation itself and the new documentation requirements. In mid 2001 this leaflet was updated to take account of modified national regulations and expanded to include various important items of procedural information, such as the simplified application procedure.

4.4 Participation at trade fairs and exhibitions

The Federal Agency for Nature Conservation has its own “species conservation” exhibition, comprising a total of 14 information panels. This exhibition can be loaned to interested institutions and authorities free of charge. The information panels are supplemented by selected exhibits of protected plants and animals.

In the period under review the Federal Agency, in cooperation with Wuppertal Zoo and other institutions, held a large exhibition (26th April 2001 to 18th June 2001) which drew the attention of visitors to the problems of international species conservation.

In both years the Federal Agency for Nature Conservation, in some cases in close cooperation with the German customs authorities, actively participated in the following trade fairs and exhibitions:

- “BOOT”, on of the world’s biggest boat and aqua-tourism fair, in Düsseldorf (19th - 28th January 2001);
- “ANIMAL”, Germany’s biggest pet fair, in Stuttgart (30th November - 2nd December 2001);
- “Internationaler Tourismus-Börse – ITB” (“International Tourism Fair”) in Berlin (16th - 20th March 2002) and
- “Reisemarkt International” (“International Travel Market”) in Cologne (29th November – 1st December 2002).

Visitors were provided with detailed information about the existing regulations through the exhibition itself, the exhibits on display and free brochures and posters.

On 20th June 2001 a species conservation festival open to the general public was held to mark the 25th anniversary of the entry into force of the Convention on International Trade in Endangered Species (CITES) in Germany. Among those present were Jürgen Trittin, German Environment Minister, Prof. Dr. Hartmut Vogtmann, President of the Federal Agency for Nature Conservation, and Willem Wijnstekers, Secretary General of CITES. The Federal Agency for Nature Conservation was represented with its species conservation exhibition and an information stand during this event, which was staged with the active participation of numerous associations with their own information stands and was visited by more than 3,000 people.

4.5 Radio and television

On the occasion of the 12th Conference of the Parties to CITES, the Scientific Authority gave statements in several radio interviews – including at the conference venue itself – on the principal issues under discussion. As well as the inclusion of commercially used fish species and South American mahogany in the Appendices to the Convention, the debate also focused on improved protection for Asian turtles, which are heavily endangered by international trade for meat supply purposes and for traditional Chinese medicine. The Federal Agency for Nature Conservation has been supporting and promoting these efforts for several years. Together with the countries of origin of these species, the Federal Agency for Nature Conservation prepared proposals for amendments to the Appendices (see 6.4.4). The Federal Agency for Nature Conservation also assisted the programme “VOX Tierzeit” (“VOX Animal Time”) with the production of the report “Asia’s Turtles – Last-Minute Rescue”, which was first broadcast in Germany during the Conference of the Parties.

5 Implementation measures

5.1 Import and export documents and certificates

5.1.1 Measures at Federal level

Breakdown of import and export documents and certificates issued by the Federal Agency for Nature Conservation pursuant to Regulation (EC) No. 338/97 from 1 st January 2001 to 31 th December 2002		
	2001	2002
Import permits	5.519	4.930
of which: for Annex A specimens	619	566
of which: for Annex B specimens	4.900	4.364
Export permits	928	854
Re-export certificates	3.812	4.375
Combined permits	286	288
Other import documents*	1.270	1.068
Certificates pursuant to Art. 8 of Regulation (EC) No. 338/97	51	13
Special permits pursuant to the EU Habitat Directive and Birds Directive	48	60
Total number of documents	11.914	11.588

* Import registrations for specimens listed in Annexes C and D and imports under the simplified conditions for items for personal use pursuant to Art. 27 para. 2 of Regulation (EC) No. 1808/01

5.1.2 Measures by the *Länder* Authorities

As a result of the federal structure of the Federal Republic of Germany, national and EC legislation is implemented on an administrative basis by the competent *Länder* Authorities. In the 16 *Länder* some 250 species conservation authorities (see 3.1.3) are involved in issuing the certificates necessary for the single European market (Art. 10 of Council Regulation (EC) No. 338/97).

Number of certificates issued								
Federal State	2001				2002			
	1)	2)	3)	Σ	1)	2)	3)	Σ
Baden-Württemberg	31	7.312	1	7.344	31	9.524	2	9.557
Bavaria	1.870	5.888	0	7.758	1.761	6.859	4	8.624
Berlin	12	552	0	564	17	464	0	481
Brandenburg	12	767	3	782	10	1.138	5	1.153
Bremen	3	69	0	72	2	63	0	65
Hamburg	... ⁴⁾	... ⁴⁾	... ⁴⁾	305	21	93	1	115
Hesse	205	2.845	0	3.050	116	2.349	3	2.468
Mecklenburg-Western Pomerania	Ⓞ)	Ⓞ)	Ⓞ)	Ⓞ)	Ⓞ)	Ⓞ)	Ⓞ)	Ⓞ)
Lower Saxony	253	1.978	2	2.233	346	2.397	5	2.748
North-Rhine/Westphalia	265	5.569	29	5.863	334	7.666	19	8.019
Rhineland-Palatinate	94	1.870	0	1.964	Ⓞ)	Ⓞ)	Ⓞ)	Ⓞ)
Saarland	1	788	1	790	Ⓞ)	Ⓞ)	Ⓞ)	Ⓞ)
Saxony	198	1.192	0	1.390	15	1.624	0	1.639
Saxony-Anhalt	37	399	0	436	39	503	2	544
Schleswig-Holstein	4	540	0	544	10	1.138	5	1.153
Thuringia ⁵⁾	39 ⁵⁾	1.037 ⁵⁾	0	1.076 ⁵⁾
Summery	2.985	29.769	36	33.095	2.741	34.855	46	37.642

1) pursuant to *Art. 5(2b) of Regulation (EC) No. 338/97 in conjunction with Art. 20(2) of Regulation (EC) No. 1808/01*

2) pursuant to *Art. 8(3) of Regulation (EC) No. 338/97 in conjunction with Art. 20(3) of Regulation (EC) No. 1808/01*

3) pursuant to *Art. 9 of Regulation (EC) No. 338/97 in conjunction with Art. 20(4) of Regulation (EC) No. 1808/01*

4) No

5) Total 2001/2002

Ⓞ) Not specified

5.2 Use of model forms

5.2.1 Form for an import or export permit or re-export certificate pursuant to Annex I of Regulation (EC) No. 1808/01

EUROPÄISCHE GEMEINSCHAFT / EUROPEAN COMMUNITY																																																																		
ORIGINAL / ORIGINAL	<table border="1"> <tr> <td rowspan="2" style="text-align: center; vertical-align: middle;">1</td> <td>1. Ausführen/Wiederausführen / Exporter/Re-exporter</td> <td rowspan="2"> GENEHMIGUNG / BESCHEINIGUNG PERMIT / CERTIFICATE <input type="checkbox"/> EINFUHR / IMPORT <input type="checkbox"/> AUSFUHR / EXPORT <input type="checkbox"/> WIEDERAUSFUHR / RE-EXPORT </td> <td>Nr. / No</td> </tr> <tr> <td></td> <td>2. Letzter Tag der Gültigkeit Last day of validity:</td> </tr> </table>	1	1. Ausführen/Wiederausführen / Exporter/Re-exporter	GENEHMIGUNG / BESCHEINIGUNG PERMIT / CERTIFICATE <input type="checkbox"/> EINFUHR / IMPORT <input type="checkbox"/> AUSFUHR / EXPORT <input type="checkbox"/> WIEDERAUSFUHR / RE-EXPORT	Nr. / No		2. Letzter Tag der Gültigkeit Last day of validity:																																																											
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		2. Letzter Tag der Gültigkeit Last day of validity:																																																																
	<table border="1"> <tr> <td colspan="2" style="text-align: center;">  Übereinkommen über den internationalen Handel mit gefährdeten Arten freilebender Tiere und Pflanzen <i>Convention on International Trade in Endangered Species of Wild Fauna and Flora</i> </td> </tr> <tr> <td colspan="2">4. (Wieder-)Ausfuhrland / Country of (re)-export</td> </tr> <tr> <td colspan="2">5. Einfuhrland / Country of import</td> </tr> <tr> <td colspan="2">7. Ausstellende Vollzugsbehörde / Issuing Management Authority BUNDESAMT FÜR NATURSCHUTZ Konstantinstraße 110 D-53179 BONN</td> </tr> </table>	 Übereinkommen über den internationalen Handel mit gefährdeten Arten freilebender Tiere und Pflanzen <i>Convention on International Trade in Endangered Species of Wild Fauna and Flora</i>		4. (Wieder-)Ausfuhrland / Country of (re)-export		5. Einfuhrland / Country of import		7. Ausstellende Vollzugsbehörde / Issuing Management Authority BUNDESAMT FÜR NATURSCHUTZ Konstantinstraße 110 D-53179 BONN																																																										
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Letztes Wiederausfuhrland / Country of last re-export</td> <td>19. Bescheinigung Nr. / Certificate No</td> <td colspan="2">20. Ausstellungsdatum / Date of issue</td> </tr> <tr> <td></td> <td colspan="5">21. Wissenschaftlicher Artname / Scientific name of species</td> </tr> <tr> <td></td> <td colspan="5">22. Üblicher Artname / Common name of species</td> </tr> <tr> <td></td> <td colspan="5">23. Besondere Bedingungen / Special conditions</td> </tr> <tr> <td></td> <td colspan="5"> Diese Genehmigung/Bescheinigung gilt nur, wenn lebende Tiere unter Einhaltung der CITES-Leitlinien für den Transport und die Vorbereitung des Transports von lebenden Wildtieren oder, im Falle eines Lufttransports, der Vorschriften des Internationalen Luftverkehrsverbandes (IATA) für den Transport lebender Tiere, befördert werden / This permit/certificate is only valid if live animals are transported in compliance with the CITES Guidelines for the transport and preparation for shipment of live wild animals or, in the case of air transport, the Live Animals Regulation published by the International Air Transport Association (IATA) </td> </tr> <tr> <td></td> <td colspan="2"> 24. Die (Wieder-)Ausfuhrunterlagen des (Wieder-)Ausfuhrlandes / The (re)-export documentation from the country of (re)-export wurden der ausstellenden Behörde übergeben / has been surrendered to the issuing authority sind der Einfuhrzollstelle vorzulegen / has to be surrendered to the border customs office of introduction </td> <td colspan="3"> 25. Die <input type="checkbox"/> Einfuhr <input type="checkbox"/> Ausfuhr <input type="checkbox"/> Wiederausfuhr <input type="checkbox"/> re-exportation der oben beschriebenen Ware wird hiermit genehmigt. / of the good described above is hereby permitted. Unterschrift und Stempel der Behörde / Signature and official stamp: Name des ausstellenden Beamten / Name of issuing official: Ort und Datum der Ausstellung / Place and date of issue: </td> </tr> <tr> <td></td> <td colspan="2">26. Frachttbrief/Luftfrachttbrief-Nr. / Bill of Lading / Air Waybill Number:</td> <td colspan="3">27. Nur für zollamtliche Zwecke / For customs use only</td> </tr> <tr> <td></td> <td colspan="2"> Tatsächlich ein- oder ausgeführte Menge/Nettomasse (kg) / actually im- or exported Anzahl der bei Ankomst toten Tiere / Number of animals dead on arrival </td> <td colspan="3"> Zolldokument / Customs document Typ: / Type: Anzahl: / Number: Datum: / Date: </td> </tr> </table>	1	3. Einführer / Importer	6. Ort, an dem lebende, der freien Wildbahn entnommene Exemplare der in Anhang A aufgeführten Arten gehalten werden dürfen / Authorized location for live wild-taken specimens of Annex A species	8. Beschreibung der Exemplare (einschl. Kennzeichnung, Geschlecht und Geburtsdatum lebender Tiere) / Description of specimens (incl. marks, sex/date of birth for live animals)	9. Nettomasse (kg) / Net mass (kg)	10. Menge / Quantity		11. CITES-Anhang / CITES Appendix	12. EG-Anhang / EC Annex	13. Herkunft / Source	14. Zweck / Purpose		15. Ursprungsland / Country of origin		16. Genehmigung Nr. / Permit No	17. Ausstellungsdatum / Date of issue			18. Letztes Wiederausfuhrland / Country of last re-export		19. Bescheinigung Nr. / Certificate No	20. Ausstellungsdatum / Date of issue			21. Wissenschaftlicher Artname / Scientific name of species						22. Üblicher Artname / Common name of species						23. Besondere Bedingungen / Special conditions						Diese Genehmigung/Bescheinigung gilt nur, wenn lebende Tiere unter Einhaltung der CITES-Leitlinien für den Transport und die Vorbereitung des Transports von lebenden Wildtieren oder, im Falle eines Lufttransports, der Vorschriften des Internationalen Luftverkehrsverbandes (IATA) für den Transport lebender Tiere, befördert werden / This permit/certificate is only valid if live animals are transported in compliance with the CITES Guidelines for the transport and preparation for shipment of live wild animals or, in the case of air transport, the Live Animals Regulation published by the International Air Transport Association (IATA)						24. 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1	3. Einführer / Importer		6. Ort, an dem lebende, der freien Wildbahn entnommene Exemplare der in Anhang A aufgeführten Arten gehalten werden dürfen / Authorized location for live wild-taken specimens of Annex A species	8. Beschreibung der Exemplare (einschl. Kennzeichnung, Geschlecht und Geburtsdatum lebender Tiere) / Description of specimens (incl. marks, sex/date of birth for live animals)	9. Nettomasse (kg) / Net mass (kg)	10. Menge / Quantity																																																												
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3377 Midea, Postfach 1741, Tel Aviv 6100, Israel, Tel Aviv 05 71 6 28 23 23
 6322 Frankfurt/M., Germany, Tel Aviv 06 9 7 20 25 35 37 4 84, Tel Aviv 06 9 7 72 7 96
 63112 Bonn, Germany, Tel Aviv 02 26 21 40 50, Tel Aviv 02 26 21 41 45
 63112 Bonn, Germany, Tel Aviv 02 26 21 40 50, Tel Aviv 02 26 21 41 45
 14813 Berlin, Germany, Tel Aviv 03 0 33 7 24 42 21, Tel Aviv 03 0 33 7 24 42 21
 14813 Berlin, Germany, Tel Aviv 03 0 33 7 24 42 21, Tel Aviv 03 0 33 7 24 42 21
WILHELM KÖHLER VERLAG
Bestell-Nr. 221

5.2.2 Enclosure to an import or export permit or re-export certificate

EUROPÄISCHE GEMEINSCHAFT / EUROPEAN COMMUNITY

ORIGINAL / ORIGINAL	1	Anlage zur Genehmigung-Nr.: / Enclosure to permit-No.:					
	Ausstellungsdatum: / Date of issue:						
	A	8. Beschreibung der Exemplare (einschl. Kennzeichnung, Geschlecht und Geburtsdatum lebender Tiere) / Description of specimens (incl. marks, sex/date of birth for live animals)	9. Nettomasse (kg) / Net mass (kg)		10. Menge / Quantity		
			11. OTES-Anhang/OTES Appendix	12. EG-Anhang/EC Annex	13. Herkunft / Source	14. Zweck / Purpose	
			15. Ursprungsland / Country of origin				
			16. Genehmigung Nr. / Permit No		17. Ausstellungsdatum / Date of issue		
			18. Letztes Wiederausfuhrland / Country of last re-export				
	19. Bescheinigung Nr. / Certificate No		20. Ausstellungsdatum / Date of issue				
	21. Wissenschaftlicher Artname / Scientific name of species						
	22. Üblicher Artname / Common name of species						
B	8. Beschreibung der Exemplare (einschl. Kennzeichnung, Geschlecht und Geburtsdatum lebender Tiere) / Description of specimens (incl. marks, sex/date of birth for live animals)	9. Nettomasse (kg) / Net mass (kg)		10. Menge / Quantity			
		11. OTES-Anhang/OTES Appendix	12. EG-Anhang/EC Annex	13. Herkunft / Source	14. Zweck / Purpose		
		15. Ursprungsland / Country of origin					
		16. Genehmigung Nr. / Permit No		17. Ausstellungsdatum / Date of issue			
		18. Letztes Wiederausfuhrland / Country of last re-export					
	19. Bescheinigung Nr. / Certificate No		20. Ausstellungsdatum / Date of issue				
	21. Wissenschaftlicher Artname / Scientific name of species						
	22. Üblicher Artname / Common name of species						
	C	8. Beschreibung der Exemplare (einschl. Kennzeichnung, Geschlecht und Geburtsdatum lebender Tiere) / Description of specimens (incl. marks, sex/date of birth for live animals)	9. Nettomasse (kg) / Net mass (kg)		10. Menge / Quantity		
			11. OTES-Anhang/OTES Appendix	12. EG-Anhang/EC Annex	13. Herkunft / Source	14. Zweck / Purpose	
15. Ursprungsland / Country of origin							
16. Genehmigung Nr. / Permit No			17. Ausstellungsdatum / Date of issue				
18. Letztes Wiederausfuhrland / Country of last re-export							
19. Bescheinigung Nr. / Certificate No		20. Ausstellungsdatum / Date of issue					
21. Wissenschaftlicher Artname / Scientific name of species							
22. Üblicher Artname / Common name of species							
Unterschrift / Signature		Datum / date		Siegel / Official stamp			
27. Nur für zollamtliche Zwecke / For customs use only							
Tatsächlich ein- oder ausgeführte Menge/Nettomasse (kg) / Quantity/net mass (kg) actually im- or exported		Anzahl der bei Ankerunft toten Tiere / Number of animals dead on arrival		Zolldokument / Customs document			
A				Typ: / Type:			
B				Anzahl: / Number:			
C				Datum: / Date:			

33272 Minden, Friedrich 15 61, Telefon 0571/8 2823-0, Telefax 0571/8 282322
 33298 Hannover, Mühlenbergstr. 11, Telefon 0410/29 28 25, 23 4 34, Telefax 0410/23 77 23
 44137 Dortmund, Wichmannstr. 15, Telefon 0231/2 61 15 10, 11 11, Telefax 0231/2 61 84 07
 10883 Berlin, Rosenstr. 47, N.O. Erdmannstr., Telefon 030/39 73 46 52, Telefax 030/39 73 46 09
 (0002)
WILHELM KÖHLER VERLAG
Bestell-Nr. 222

5.2.3 Form for an import notification pursuant to Annex II to Regulation (EC) No. 1808/01

EUROPÄISCHE GEMEINSCHAFT / EUROPEAN COMMUNITY

ORIGINAL / ORIGINAL	1	1. Einführer / Importer	EINFUHRMELDUNG / IMPORT NOTIFICATION	
			Verordnung (EG) Nr. 338/97 des Rates und Verordnung (EG) Nr. 939/97 der Kommission über den Schutz von Exemplaren wildlebender Tier- und Pflanzenarten durch Überwachung des Handels <i>Council Regulation (EC) No 338/97 and Commission Regulation (EC) No 939/97 on the protection of species of wild fauna and flora by regulating trade therein</i>	
		2. Einfuhrmitgliedstaat / Member State of import	3. Datum der Einfuhr / Date of import	
		4. Ursprungsland / Country of origin	5. (Wieder-)Ausfuhrland / Country of (re-)export	
A	1	6. Beschreibung der Exemplare (einschließlich der Nummer des [Wieder-]Ausfuhrdokuments für Exemplare von Arten im CITES-Anhang III) / Description of specimens (incl. [re-]export document number for CITES Appendix III species)	7. Nettomasse (kg) / Net mass (kg)	8. Menge / Quantity
			9. Wissenschaftlicher Artname / Scientific name of species	10 CITES Anhang / CITES Appendix
			11. Üblicher Artname / Common name of species	12 EG-Anhang / EC Annex
B		6. Beschreibung der Exemplare (einschließlich der Nummer des [Wieder-]Ausfuhrdokuments für Exemplare von Arten im CITES-Anhang III) / Description of specimens (incl. [re-]export document number for CITES Appendix III species)	7. Nettomasse (kg) / Net mass (kg)	8. Menge / Quantity
			9. Wissenschaftlicher Artname / Scientific name of species	10 CITES Anhang / CITES Appendix
			11. Üblicher Artname / Common name of species	12 EG-Anhang / EC Annex
C		6. Beschreibung der Exemplare (einschließlich der Nummer des [Wieder-]Ausfuhrdokuments für Exemplare von Arten im CITES-Anhang III) / Description of specimens (incl. [re-]export document number for CITES Appendix III species)	7. Nettomasse (kg) / Net mass (kg)	8. Menge / Quantity
			9. Wissenschaftlicher Artname / Scientific name of species	10 CITES Anhang / CITES Appendix
			11. Üblicher Artname / Common name of species	12 EG-Anhang / EC Annex
D		6. Beschreibung der Exemplare (einschließlich der Nummer des [Wieder-]Ausfuhrdokuments für Exemplare von Arten im CITES-Anhang III) / Description of specimens (incl. [re-]export document number for CITES Appendix III species)	7. Nettomasse (kg) / Net mass (kg)	8. Menge / Quantity
			9. Wissenschaftlicher Artname / Scientific name of species	10 CITES Anhang / CITES Appendix
			11. Üblicher Artname / Common name of species	12 EG-Anhang / EC Annex
E		6. Beschreibung der Exemplare (einschließlich der Nummer des [Wieder-]Ausfuhrdokuments für Exemplare von Arten im CITES-Anhang III) / Description of specimens (incl. [re-]export document number for CITES Appendix III species)	7. Nettomasse (kg) / Net mass (kg)	8. Menge / Quantity
			9. Wissenschaftlicher Artname / Scientific name of species	10 CITES Anhang / CITES Appendix
			11. Üblicher Artname / Common name of species	12 EG-Anhang / EC Annex
F		6. Beschreibung der Exemplare (einschließlich der Nummer des [Wieder-]Ausfuhrdokuments für Exemplare von Arten im CITES-Anhang III) / Description of specimens (incl. [re-]export document number for CITES Appendix III species)	7. Nettomasse (kg) / Net mass (kg)	8. Menge / Quantity
			9. Wissenschaftlicher Artname / Scientific name of species	10 CITES Anhang / CITES Appendix
			11. Üblicher Artname / Common name of species	12 EG-Anhang / EC Annex
		13. Für obige Exemplare auf der Liste des CITES-Anhangs III füge ich die erforderlichen Unterlagen des (Wieder-)Ausfuhrlandes bei / For specimens above which are of species listed in Appendix III to CITES, I attach the necessary documents from the (re-)exporting country	14. Stempel der Grenz Zollstelle / Official stamp of border customs office:	
		Unterschrift des Einführers oder seines hierzu befugten Vertreters / Signature of importer or his authorized representative		

WILHELM KÖHLER VERLAG
 33272 Minden, Postfach 12 61, Telefon 05 71 / 828 93-0, Telefax 05 71 / 828 93-23
 33104 Lippstadt, Postfach 10 15, Telefon 05 27 / 94 91-0, Telefax 05 27 / 94 91-24
 33099 Bielefeld, Postfach 10 15, Telefon 0 51 / 82 30 0-31 34, Telefax 0 51 / 82 30 0-33 73
 33117 Bielefeld, Postfach 10 15, Telefon 0 51 / 82 30 0-31 34, Telefax 0 51 / 82 30 0-33 73
 44117 Dortmund, Postfach 10 15, Telefon 0 231 / 2 61 45-10-11, Telefax 0 231 / 2 61 45-07
 10553 Berlin, Postfach 10 15, Telefon 0 30 / 39 73 49 23, Telefax 0 30 / 39 73 49 99
Bestell-Nr. 223

5.2.4 Form for a certificate pursuant to Annex III to Regulation (EC) No. 1808/01


EUROPÄISCHE GEMEINSCHAFT / EUROPEAN COMMUNITY		BESCHEINIGUNG CERTIFICATE		Nr. / No			
ORIGINAL / ORIGINAL	1. Inhaber Holder	Ausschließlich zur Verwendung in der Europäischen Gemeinschaft / Not for use outside the European Community			Verordnung (EG) Nr. 338/97 und Verordnung (EG) Nr. 1808/2001 über den Schutz von Exemplaren wild lebender Tier- und Pflanzenarten durch Überwachung des Handels Council Regulation (EC) No 338/97 and Commission Regulation (EC) 1808/2001 on the protection of species of wild fauna and flora by regulating trade therein		
	2. Ort, an dem die lebenden, der freien Wildbahn entnommenen Exemplare von Arten in Anhang A gehalten werden sollen / Authorised location for live wild taken specimens of Annex A species						3. Ausstellende Vollzugsbehörde / Issuing Management Authority
1	4. Beschreibung der Exemplare (einschl. Kennzeichen, Geschlecht und Geburtsdatum lebender Tiere) Description of specimens (incl. marks, sex, date of birth for live animals)	5. Nettomasse (kg) / Net mass (kg)		6. Menge / Quantity			
		7. CITES-Anhang / CITES Appendix		8. EG-Anhang / EC Annex		9. Herkunft / Source	
		10. Ursprungsland / Country of origin					
		11. Genehmigungs-Nr. / Permit No			12. Ausstellungsdatum / Date of issue		
16. Wissenschaftlicher Artenname / Scientific name of species				13. Einfuhrmitgliedstaat / Member State of import			
17. Üblicher Artenname / Common name of species			14. Dokumenten-Nr. / Document No		15. Ausstellungsdatum / Date of issue		
18. Hiermit wird bescheinigt, dass die oben beschriebenen Exemplare: / It is hereby certified that the specimens described above:							
1 <input type="checkbox"/> in Übereinstimmung mit im ausstellenden Mitgliedstaat geltenden Rechtsvorschriften der freien Wildbahn entnommen wurden. were taken from the wild in accordance with the legislation in force in the issuing Member State;							
2 <input type="checkbox"/> in Übereinstimmung mit im ausstellenden Mitgliedstaat geltenden Rechtsvorschriften als verlassene oder entwichene Tiere wieder eingefangen wurden. are abandoned or escaped specimens that were recovered in accordance with the legislation in force in the issuing Member State;							
3 <input type="checkbox"/> in Gefangenschaft geboren und gezüchtet oder künstlich vermehrt wurden. are captive born and bred or artificially propagated specimens;							
4 <input type="checkbox"/> in Übereinstimmung mit der Verordnung (EG) Nr. 338/97 in der Gemeinschaft erworben oder in diese eingeführt wurden. were acquired in or introduced into the Community in compliance with the provisions of Regulation (EC) No 338/97;							
5 <input type="checkbox"/> vor dem 1. Juni 1997 in Übereinstimmung mit der Verordnung (EWG) Nr. 3676/82 in der Gemeinschaft erworben oder in diese eingeführt wurden. were acquired in or introduced into the Community before 1 June 1997 in accordance with Regulation (EC) No 3676/82;							
6 <input type="checkbox"/> vor dem 1. Januar 1984 in Übereinstimmung mit dem CITES-Übereinkommen in der Gemeinschaft erworben oder in diese eingeführt wurden. were acquired in or introduced into the Community before 1 January 1984 in compliance with the provisions of CITES;							
7 <input type="checkbox"/> in den ausstellenden Mitgliedstaat eingeführt wurden, bevor die Vorschriften der in Punkt 4 und 5 genannten Verordnung oder des CITES-Übereinkommens in dessen Gebiet in Kraft traten. are taken in or introduced into the issuing Member State before the provisions of the Regulation under paragraphs 4 and 5 or of CITES became applicable in this territory;							
8 <input type="checkbox"/> dem Fortschritt der Wissenschaft / der Zucht oder Vermehrung / der Forschung oder Ausbildung oder anderen nicht schädlichen Zwecken dienen. are to be used for the advancement of science/breeding or propagation/research or education or other non-detrimental purposes.							
19. Diese Bescheinigung wird ausgestellt. / This document is issued for the purpose of:							
1 <input type="checkbox"/> zur Bestätigung, dass das (wieder-)auszuführende Exemplar unter Einhaltung der geltenden Rechtsvorschriften zum Schutz der betreffenden Arten erworben wurde. confirming that a specimen to be (re-)exported has been acquired in accordance with the legislation in force on the protection of the species in question;							
2 <input type="checkbox"/> zur Befreiung von Exemplaren der Arten in Anhang A vom Verbot der kommerzieller Tätigkeiten gemäß Artikel 6 Absatz 1 der Verordnung (EG) Nr. 338/97. exempting Annex A specimens from the prohibitions relating to commercial activities listed in Article 6(1) of Regulation (EC) No 338/97;							
3 <input type="checkbox"/> zur Genehmigung der Verbringung lebender Exemplare der Arten in Anhang A von dem in der Einfuhrgenehmigung oder in einer anderen Bescheinigung angegebenen Ort. authorising the movement within the Community of a live Annex A specimen from the location indicated in the import permit or in any certificate.							
20. Besondere Bedingungen / Special conditions							
<input type="checkbox"/> diese Bescheinigung gilt nur für den in Feld 1 genannten Inhaber (Ausstellung gemäß Artikel 20 Absatz 3 Buchstabe e) bzw. Artikel 30 der Verordnung 1808/2001). Certificate valid only for holder named in box 1 (issued under Article 20(3)(e) or Article 30 of Regulation (EC) No 1808/2001).							
Name des ausstellenden Beamten / Name of issuing official		Ort und Datum / Place and date		Unterschrift und Stempel / Signature and stamp			

32124 München, Postfach 1361, Telefon: 05 71 628 23 0, Telefax: 05 71 628 23 23
 40222 Frankfurt/AM, Telephon: 06 9 9 72 25 37 - 38, Telefax: 06 9 9 72 25 38
 51109 Köln, Postfach 10 15 51, Telefon: 02 28 32 42 52, Telefax: 02 28 32 42 53
 51113 Bonn, Postfach 11 15, Telefon: 02 28 32 42 52, Telefax: 02 28 32 42 53
 51155 Berlin, Postfach 14 10, UG-GmbH-Nr. 1, Telefon: 03 0 28 32 42 52, Telefax: 03 0 28 32 42 53
 12001

WILHELM KOHLER VERLAG
 Bestell-Nr. 224



5.2.5 Example of a label pursuant to Annex IV to Regulation (EC) No. 1808/01

	Übereinkommen über den internationalen Handel mit gefährdeten Arten frei lebender Tiere und Pflanzen
	<i>Artikel VII Absatz 6</i>
WISSENSCHAFTLICHES MATERIAL	
1. Inhalt:	
2. Von (vollständiger Name und Anschrift):	
3. Registriernummer	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. An (vollständiger Name und Anschrift):	
5. Registriernummer:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Etikett-Nr.:	
✂	
<i>Dieser Teil ist nach Verwendung unverzüglich an die Vollzugsbehörden zurückzusenden.</i>	
Registriernummer des Absenders:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Registriernummer des Empfängers:	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Inhalt:	
Etikett-Nr.:	

5.3 Use of plant health certificates

According to the provisions of CITES (Art. VII, para. 5), the Parties have the option of using plant health certificates as an alternative export document for the international trade in plant species which are protected under Appendix II to CITES and which have been artificially propagated.

The Federal Republic of Germany has been using this procedure since 1988. This was duly notified to the Parties in CITES Secretariat Notification No. 490.

Upon the entry into force of Regulations (EC) No. 338/97 and 939/97, since amended by Regulation (EC) No. 1808/01, the EU regulations for the use of plant health certificates as a CITES export document were amended on the basis of CITES Resolution Conf. 8.18. which was repealed by Resolution Conf. 12.3.

During the period 2001/2002, there were no changes compared with previous years. No new notifications on the use of plant health certificates were issued by the CITES Secretariat during the period under review, which means that Notification No. 22 dated 12th March 1999 reflects the present list of participants. In addition to Germany only eleven Parties use this simplified procedure.

5.4 Registration of scientific institutions, nurseries and captive breeding operations

5.4.1 Registration of scientific institutions

The simplified procedures set out in Art. VII para. 6 of CITES for the exchange of protected specimens between scientific institutions were implemented by Art. 7 para. 4 of Regulation (EC) 338/97 as well as Art. 22 and Annex IV of Regulation (EC) 1808/01.

Many scientific institutions in Germany have long been registered as participants in this procedure. In 2001 and 2002, a further five participants were registered for Germany, which means that 82 scientific institutions are now able to use the simplified procedure. The full list of all registered scientific institutions can be found in the Internet under <http://www.cites.org/eng/notifs/2000/011.shtml>.

5.4.2 Registration of nurseries

In Germany three nurseries which artificially propagate species listed in Appendix I to CITES for commercial purposes have been internationally registered to date. Two of them specialise in cactuses and other succulents, while the third specialises in orchids. During the period 2001/2002 no additional establishments applied for recognition pursuant to CITES Resolution Conf. 9.19, but three species were added to the list of registered species for one cactus nursery. On request, registered establishments can obtain from the Federal Agency for Nature Conservation prepared export permits pursuant to Art. 18 of Regulation (EC) 1808/2001, which they can complete and use on their own responsibility.

5.4.3 Registration of captive-breeding operations for animals

In Germany three breeding establishments which breed species listed in Appendix I to CITES for commercial purposes have been internationally registered to date. These are breeding establishments for falcons. During the period 2001/2002 no additional German breeding establishments applied for inspection in accordance with CITES Resolution Conf. 11.14 for the purpose of inclusion in the register managed by the CITES Secretariat.

In addition to the registered breeding establishments, there are other breeders of various species in Germany who breed for commercial purposes but have not undergone a registration procedure. On the basis of Art. III of the Convention, such establishments may only export their captive-bred animals to recipients who submit an import permit showing that their import purpose is not primarily of a commercial nature.

5.5 Reporting

5.5.1 Overview of imports of CITES-protected live animals and plants in 1997-2002

Imports of CITES-protected live animals and plants in 1997-2002							
Species	CITES Appendix	1997	1998	1999	2000	2001	2002
Mammals	Appendix I	53	33	26	46	17	32
	Appendix II	812	848	780	1187	1263	654
	Appendix III	1	1	1	0	4	15
	Total	866	882	807	1.233	1.284	701
Birds	Appendix I	92	93	75	80	102	33
	Appendix II	7.574	12.400	11.371	8.373	4.337	3.613
	Appendix III	62.697	64.029	68.486	56.852	69.481	41.060
	Total	70.363	76.522	79.932	65.305	73.920	44.706
Reptiles	Appendix I	6	0	0	0	0	6
	Appendix II	25.478	42.052	44.387	45.723	45.526	52.937
	Appendix III	12	85	119	148	381	333
	Total	25.496	42.137	44.506	45.871	45.907	53.276
Amphibia	Appendix I	0	0	4	13	0	0
	Appendix II	1.680	2.029	2.424	3.265	5.267	3.792
	Appendix III	0	0	0	0	0	0
	Total	1.680	2.029	2.428	3.278	5.267	3.792
Invertebrates	Appendix I	1	0	4	6	0	0
	Appendix II	167.213	181.386	304.297	267.962	160.752	125.255
	Appendix III	0	0	0	0	0	0
	Total	167.214	181.386	304.301	267.968	160.752	125.255
Plants	Appendix I	23.709	17.602	23.441	6.764	7.157	10.414
	Appendix II	387.617	350.759	351.322	262.212	216.412	354.369
	Appendix III	0	0	0	0	0	0
	Total	411.326	368.361	374.763	268.976	223.569	364.783

5.5.2 Overview of imports and exports of live specimens of CITES-protected vertebrate and plant species in 2001

Imports and exports of live specimens of CITES-protected vertebrate and plant species in 2001									
Class	CITES Appendix	Import	Source A, C, D	Purpose G, S, Z	Purpose T, P, ?	Export	Source A, C, D	Purpose G, S, Z	Purpose T, P, ?
Mammals	App. I	17	15	9	8	113	105	53	60
	App. II	1.263	1.260	1.240	23	78	78	60	18
	App. III	4	4	0	4	10	10	4	6
	Total	1.284	1.279	1.249	35	201	193	117	84
Birds	App. I	102	101	4	98	791	788	5	786
	App. II	4.337	427	24	4.313	512	345	22	490
	App. III	69.481	0	0	69.481	2.874	32	25	2.849
	Total	73.920	528	28	73.892	4.177	1.165	52	4.125
Reptiles	App. I	0	0	0	0	12	12	0	12
	App. II	45.526	21.449	35	45.491	975	622	2	973
	App. III	381	0	0	381	0	0	0	0
	Total	45.907	21.449	35	45.872	987	634	2	985
Amphibia	App. I	0	0	0	0	0	0	0	0
	App. II	5.267	4.967	4.790	477	441	441	0	441
	App. III	0	0	0	0	0	0	0	0
	Total	5.267	4.967	4.790	477	441	441	0	441
Plants*	App. I	7.157	7.157	160	6.997	2.973	2.973	5	2.968
	App. II	216.412	212.471	969	215.443	554	554	0	554
	App. III	0	0	0	0	0	0	0	0
	Total	223.569	219.628	1.129	222.440	3.527	3.527	5	3.522

* Excluding artificially propagated plants which were exported with a plant health certificate and plants transported under the scientific exchange scheme with a label.

Origin codes: A = artificially propagated,
C/D = bred for non-commercial/commercial purposes

Purpose codes: G = Botanical garden, S = Science, Z = Zoo;
T = Trade, P = Personal items, ? = Other purposes

5.5.3 Overview of imports and exports of live specimens of CITES-protected vertebrate and plant species in 2002

Imports and exports of live specimens of CITES-protected vertebrate and plant species in 2002									
Class	CITES Appendix	Import	Source A, C, D	Purpose G, S, Z	Purpose T, P, ?	Export	Source A, C, D	Purpose G, S, Z	Purpose T, P, ?
Mammals	App. I	32	32	16	16	98	96	61	37
	App. II	654	653	604	50	71	66	43	28
	App. III	15	4	3	12	0	0	0	0
	Total	701	689	623	78	169	162	104	65
Birds	App. I	33	32	3	29	741	733	16	725
	App. II	3.613	401	8	3.605	841	330	37	804
	App. III	41.060	1	0	41.060	7095	3	2	7.093
	Total	44.706	434	11	44.694	8.677	1.066	55	8.622
Reptiles	App. I	6	6	0	6	40	39	1	39
	App. II	52.937	28.896	79	52.858	776	563	14	762
	App. III	333	7	0	333	0	0	0	0
	Total	53.276	28.909	79	53.197	816	602	15	801
Amphibia	App. I	0	0	0	0	37	37	37	0
	App. II	3.792	3.792	3.642	150	270	270	0	270
	App. III	0	0	0	0	0	0	0	0
	Total	3.792	3.792	3.642	150	307	307	37	270
Plants*	App. I	10.414	10.414	0	10.414	2.368	2.368	0	2.368
	App. II	354.369	346.363	387	353.982	85	85	0	85
	App. III	0	0	0	0	0	0	0	0
	Total	364.783	356.777	387	364.396	2.453	2.453	0	2.453

* Excluding artificially propagated plants which were exported with a plant health certificate and plants transported under the scientific exchange scheme with a label.

Origin codes: A = artificially propagated,
C/D = bred for non-commercial/commercial purposes

Purpose codes: G = Botanical garden, S = Science, Z = Zoo;
T = Trade, P = Personal items, ? = Other purposes

5.6 Computerisation

The VIA database for species conservation management was developed for electronic data management and processing, and has been used by the German CITES Management Authority since 1st January 1996. The system is based on Oracle and is structured as a relational database. It underwent further development in the reporting period 2001/2002 and was modified to take account of more recent software releases.

The technical details are as follows:

Server:	Operating system: Novell NetWare 5 Oracle Server Standard Edition 8.0.4.2.7
Client:	Operating system: MS Windows NT 4, Service Pack 5 Oracle Client 8.0.4.2.0 Oracle Forms 6 I Oracle Reports 2.5.7.4.3

Only the CITES Management Authority staff has access to the VIA database through the computer network of the Federal Agency for Nature Conservation. Additional passwords and screensavers ensure compliance with data protection regulations.

All names of scientific species with the relevant conservation status are part of the system via an interface to the "WISIA" scientific species file, where the corresponding data can be selected from the relevant windows. Before accepting a species taken from the wild in the database, a plausibility check using the "WISIA" entries is performed before saving the data record to confirm whether the species is widespread in the specified country of origin.

VIA is divided into six sections:

1. Permits section

- Entry of all data to issue CITES permits
- Printing of CITES permits on the permit form
- Printing of certificates on the certificate form
- Printing of the fee notice and the acceptance order based on the file
- Linking of the permit procedure to "Word" with the option of generating defined documents from the database (letterheads)
- Standard report on data queries
- Standard report for printing the annual mortality report
- Standard report for generating the annual CITES report (hard copy)
- Standard report for generating the Annual CITES report as an ASCII file for electronic transfer to the WCMC in Cambridge
- Data pool with permit data for the period from 1st January 1988 to 31st December 1995 as a separate search application with standard reports.

During the period under review the printing of permits and certificates was converted from dot-matrix printers to laser printers. The choice of paper bin for permit or certificate forms is controlled by the program.

2. Seizures section

- Entry of all data relating to seizures
- Standard report on data queries
- Linking of the seizure procedure to “Word” with the option of generating defined documents from the database (hearings, fine notices etc.)

3. Administrative offences section

- Entry of all data relating to administrative offences, either based on a program in the seizures section, or separately
- Standard report on data queries
- Data pool with administrative offences data for the period from 1st January 1988 to 31st December 1995 as a separate search application.

4. Disposal section

- Entry of disposal procedures
- Standard report on data queries.

5. Addresses section

- Entry of addresses
- Standard report on data queries
- Standard report on expert queries (for certain species)
- Linking of the address management system to “Word” with the option of generating defined documents from the database (letterheads).

6. Miscellaneous section

- Management of code tables and error texts file
- Standard report on code tables
- Entry of documents for linking to “Word”
- Standard report on identification searches
- Link to “WISIA” species file for taxonomy, distribution and protection status searches.

Flexible enquiries and reports may be programmed for all data in the aforementioned sections using the computer language SQL+.

The structure of VIA makes it possible for legislative changes to be implemented promptly by extending or modifying functions. For the period 2003/2004 it is planned to develop and integrate in the VIA application, in cooperation with the UNEP World Conservation Monitoring Center (WCMC), a list of the EU prohibitions on imports and a list of the countries for which the CITES Secretariat has recommended the Parties to suspend trading. On entering an appropriate combination of species and country or an appropriate export or shipment country, the user will immediately be shown the relevant electronic message about existing resolutions or suspensions.

5.7 Regulations on the transport of live animals listed in Annexes A and B to Regulation (EC) No. 338/97

Regarding the transport of live animals in the EU, reference should be made to the EC Directives on the protection of animals in transit (91/628/EEC, most recently amended by Directive 95/29/EC of 29 June 1995, OJ EC No. L 148, p. 52). This Directive was transposed into German law by the Ordinance on the Protection of Animals in transit (Animal Protection Transport Ordinance <*TierSchTrV*>, Federal Law Gazette I, p. 348). Among other things, this ordinance requires animals being transported by air to be carried in accordance with the rules of the International Air Transport Association (IATA). The individual precautions were announced in Germany in the Federal Gazette No. 81a dated 30th June 1997. Section 32 para. 3 of the regulations refers to the CITES transport guidelines and the relevant preparations, details of which were also announced in the Federal Gazette (No. 80a dated 29th April 1997).

5.8 Regulations on the animal welfare-oriented keeping of live animals listed in Annexes A and B to Regulation (EC) No. 338/97

In Germany the general requirements for the keeping of animals are laid down in the Animal Welfare Act <*TierSchG*> (Art. 2 of the Act, Federal Law Gazette I, p. 1105). According to Art. 17 of the Animal Protection Act, a prison sentence of up to three years or a fine may be imposed on anyone who kills a vertebrate without reasonable cause or inflicts sustained or repeated substantial pain or suffering on a vertebrate. Moreover, vertebrates of specially protected species (e.g. Annex A or B to Regulation (EC) No. 338/97) may only be kept if the keeper possesses the necessary reliability and adequate knowledge about the keeping and care of the animals and has the necessary facilities to ensure that the animals cannot escape and that they will be kept in accordance with the requirements of animal welfare legislation (Art. 6 para. 1 of the Federal Ordinance on the Conservation of Species). The provisions of legislation on animal epidemics must also be taken into consideration. Under the Ordinance on the Control of Animal Epidemics in the Single Market, which transposes Directive 92/65/EEC into national law, the keeping of primates is only permitted in certain specially approved establishments. The keeping of apes by private individuals is regarded as extremely problematic and is therefore basically not permitted.

Specific and detailed requirements for the keeping of animals are contained in various “Animal Husbandry Expertises”. These are expertises produced by groups of independent experts, mostly under the chairmanship of the Federal Ministry for Consumer Protection, Food and Agriculture (BMVEL, the ministry responsible for animal welfare issues, formerly BML), and published by the BMVEL. The Animal Husbandry Expertises or guidelines are available from www.verbraucherministerium.de/tierschutz. In addition, the Federal Agency for Nature Conservation has, with the assistance of independent experts, produced expertises on species-appropriate accommodation for certain groups of species.

These expertises acquire legally binding force where they are specified as conditions for species-appropriate accommodation when issuing import permits. These keeping requirements are also taken as a basis when, under *Länder* legislation, animal reserve permits or other permits (e.g. permits pursuant to Art. 11 of the Animal Protection Act) are issued or examinations conducted in the course of which keeping conditions may be laid down.

The list of animal husbandry expertises given below is not exhaustive; in particular the individual *Länder* may take other expertises, though usually comparable ones, as a basis. In practice it is also very important that **evidence of specialist knowledge** is demanded as part of voluntary self-monitoring by associations and their members, to ensure confirmation of the keeper's ability to look after certain species, some of which are difficult to keep. In recent years various associations have taken a highly committed approach to promoting such evidence of specialist knowledge. Courses leading to an examination are offered; these not only ask questions about minimum requirements for keeping the animals, but also questions about the legal framework. This is an exemplary demonstration of how to assume responsibility for the animal and the demanding hobby of keeping it.

List of animal husbandry expertises prepared by German Federal Authorities

1. BMVEL Guidelines for keeping, training and using animals in circuses or similar establishments (**Circus Animals**), 15th October 1990
2. Guidelines for keeping **Elephants**, recommended by the Species Conservation Advisory Committee at the Federal Agency for Nature Conservation in connection with the implementation of Regulation (EC) No. 338/97, 24th October 2000
3. Expertise of the BMVEL expert group on "Species-appropriate keeping of birds" on minimum requirements for the keeping of **Birds of Prey and Owls**, 10th January 1995
4. Expertise of the BMVEL expert group on "Species-appropriate keeping of birds" on minimum requirements for the keeping of **Parrots**, 10th January 1995
5. BMVEL expertise on minimum requirements for accommodation of **Mammals** in accordance with animal protection principles (zoo directors' expertise), 10th June 1996
6. Expertise of the BML expert group on "Species-appropriate keeping of birds" on minimum requirements for the keeping of **Small Birds** (Part 1, **Seed Eaters**), 10th July 1996
7. Expertise by the Federal Agency for Nature Conservation on minimum requirements for the keeping of **Hwamei, Silver-eared Mesia, Pekin robin** and **Mynah bird**, 31st August 2000
8. Expertise by the BMVEL expert group on "Species-appropriate keeping of terrarium animals" on minimum requirements for the keeping of **Reptiles**, 10th January 1997
9. Minimum requirements of the Federal Agency for Nature Conservation for the accommodation of **Pandinus** species (giant scorpions) by wholesalers and private owners, 24th June 1997
10. Minimum requirements of the Federal Agency for Nature Conservation for the keeping of **Corals and Giant Clams** (CITES species), with special regard to the wholesale and retail trade, July 1997
11. Minimum requirements of the Federal Agency for Nature Conservation for the accommodation of **Brachypelma** species (American genus of tarantulas) by wholesalers and private owners, 3rd July 1997.

5.9 Training and Education

In order to ensure that the training of customs officials in the complex legal field of CITES is organised as efficiently as possible, the customs administration has devised its own training courses. In a basic course, participants are instructed in the legal provisions and scope for action. Two-follow-up courses deal with the identification of protected plants and animals and their parts and derivatives. These courses are given by teams of lecturers from the customs administration. The Federal Agency for Nature Conservation holds an annual service meeting with these teams of lecturers to report in detail on the latest news and special features.

In the reporting period 2001/2002, representatives of the Scientific Authority and employees of the Management Authority attended a total of 8 species conservation courses for customs officials (each with 25 people) at the Customs Training and Inspection Institute in Frankfurt, in some cases with participants from other EU Member States.

Topics addressed by the seminars held by representatives of the Scientific Authority included the tasks and work of the Scientific Authority, an overview of German trade in protected bird species, the identification of medicinal plants and their derivatives, and the identification of birds (parrots, birds of prey etc.) and reptiles.

At these seminars, staff from the Management Authorities also reported on the latest innovations in national and international legislation and, using selected examples, illustrated key aspects and potential sources of error in the monitoring of protected specimens.

Moreover, in collaboration with the Bavarian Academy for Nature Conservation and Landscape Management the Federal Agency for Nature Conservation held a two-day upgrading course (5th – 6th March 2002) on the latest developments in EU legislation on species conservation. The seminar was intended to explain the main changes in the EU Implementation Regulation (EC) 1808/2001 to the staff of *Länder* Authorities and to provide detailed illustrations with the aid of case studies from enforcement practice.

At a detailed presentation at the annual meeting (7th - 9th June 2002) of the German Cactus Association <DKG>, the Federal Agency for Nature Conservation informed the association's members about those provisions of EU species conservation legislation and of CITES that are relevant to succulent lovers.

In a seminar contribution for the "Nature Conservation" course at the University of Marburg in November 2001, the Scientific Authority – as in previous years – provided information about how CITES works and how it is implemented in the European Community, and on issues relating to the sustainable use of wild animal species.

5.10 Development of tools to aid implementation

In order to strengthen the implementation of species conservation at national level, the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety <BMU> has since 1985 been publishing a national handbook for the identification of species protected under CITES. The Federal Agency for Nature Conservation, in its capacity as Scientific Authority, is responsible for editing this handbook, which now comprises four volumes.

In 2002 identification sheets for a total of 55 bird species (birds of prey of the genus *Buteo* and Asian hornbills of the genera *Aceros*, *Anorrhinus*, *Buceros* and *Penelopides*) were translated from English into German and published by the Scientific Authority for Zoology for the national CITES identification handbook.

In 2001 and 2002 the Scientific Authority for Botany produced for the national CITES identification handbook identification sheets for 23 species of medicinal plants, one identification sheet for the medicinally used species of one family (*Orchidaceae* spp., “Salep species”), and a further sheet for an orchid genus used in traditional Chinese medicine (*Dendrobium* spp.).

Since a large number of different authorities in Germany (central *Land* authorities, regional commissioners, rural districts or cities) are involved in implementing species conservation as laid down in national and European legislation, the *Länder* working group on nature conservation, landscape maintenance and recreation, meeting on 15th September 2002, approved implementation information which set out guidelines and was designed to ensure uniform implementation of the species conservation regulations. In view of the fact that this information takes account of the “CITES Reference Guide” (http://europa.eu.int/comm/environment/cites/legislation_en.htm) to the EU Regulations, comments on the provisions, gives practical hints and, in particular, caters for national and country-specific special aspects, the implementation information provides a comprehensive and detailed overview of existing species conservation legislation. It is also available from the web site www.mulh.hessen.de/umwelt/naturschutz/artenschutz/_fr_art.htm.

6 International initiatives and contributions to enhance the effectiveness of Community regulations

6.1 International training

- The first European Regional Meeting of the CITES Animals Committee, held in Bonn in November 2001 at the invitation of the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety. For the first time this provided better opportunities for information sharing at European level within the Animals Committee than is possible at the annual international meetings.
- The CITES Secretariat also took the opportunity presented by this first regional meeting to hold a training seminar for scientific authorities, primarily from Eastern Europe, during the first two days of the meeting. The German Scientific Authority took part with a contribution on the tasks of a CITES Scientific Authority under EU Regulation 338/97.
- In 2001/2002 the Federal Agency for Nature Conservation was visited by three delegations from Kyrgyzstan and Hong Kong wishing to find out more about the work, organisation and duties of German CITES Authorities in the management and scientific sectors.

6.2 Funding support

Germany made a financial contribution of DM 30,000.- to the “Workshop on freshwater turtles and tortoises” held in Kunming, China, in March 2002. The results of this successful workshop, attended by all major countries of origin in the Asian region, formed an important basis for the placing under protection of many East Asian turtle and tortoise species at the 12th Conference of the Parties.

Since the 7th Conference of the Parties, the Species Survival Commission of the World Conservation Union (IUCN) has been conducting an analysis of all proposals for the inclusion of species in the Appendices to CITES ahead of each CITES conference. Thanks to its objective analysis of the proposals regarding changes to CITES appendices, the IUCN has provided the Parties with effective support for opinion-making at the respective conferences, by critically reviewing the proposals based on the best scientific information and trade data. The IUCN’s technical scientific analysis of proposals for amendments to the Appendices closes the gaps in many Parties’ knowledge. Germany provided the IUCN with funds of € 10,000.- for this purpose. The analysis of the proposals for the 12th Conference of the Parties to the Convention on the International Trade in Endangered Species was prepared for the first time as a CD-ROM and also announced internationally on the web site of the CITES Secretariat www.cites.org.

6.3 Development of international tools to aid implementation

- In order to facilitate the implementation of CITES, the CITES Secretariat publishes a CITES Identification Manual in the Convention's official languages for the animal and plant species protected by CITES. Since its accession, the Federal Republic of Germany has made a major contribution to the further development of this manual. In 2002 Germany's "Scientific Authority for Botany" produced and made available to the CITES Secretariat new identification sheets for 17 individually described species of medicinal plants, one identification sheet for the medicinally used species of one family (*Orchidaceae* spp., "Salep species"), and a further sheet for an orchid genus used in traditional Chinese medicine (*Dendrobium* spp.).
- In accordance with the recommendations of CITES Resolution Conf. 11.8 on cooperation and technology transfer in connection with the protection of the Tibetan Antelope (*Pantholops hodgsonii*), the Federal Agency for Nature Conservation commissioned the German Wool Research Institute at the University of Aachen to develop a simple and easily used method of identifying the wool of the Tibetan Antelope, which is strictly protected under CITES, and distinguishing it from the wool of other species which are not protected. The skins necessary for this project came from a seizure and were kindly made available by the Chinese CITES Management Authority. The result of this research project were published immediately after its completion (K.-H. PHAN, G. WORTMANN & F.-J. WORTMANN (2001): *Microscopic characteristics of shabtoosh and its differentiation from cashmere*. In: Proceedings of the 10th International Wool Textile Research Conference, SF-2: 1-16pp.). In a letter dated 7th November 2001 the Federal Agency for Nature Conservation sent information about the results to the Chinese Management Authority, the CITES Secretariat and TRAFFIC International.
- At the request of the Austrian Management Authority the Federal Agency for Nature Conservation made its "VIA" software (cf. 5.6) , specially developed for the practical implementation of CITES, available to a foreign Management Authority for the first time. The sale in 2002 also included a training seminar which was held in Vienna by the Federal Agency for Nature Conservation to instruct staff of the Austrian Management Authority in the use of the relevant software. In principle the Federal Agency for Nature Protection is prepared to make the relevant CITES software available to other management authorities of CITES Parties as well if they are interested.
- A Scientific Information System for International Species Conservation developed by the German Scientific Authority is used in the Federal Agency for Nature Conservation as an important reference system for dealing with scientific and management related aspects of species conservation. The system contains comprehensive information on the protected plant and animal species with content on taxonomy, protection status and distribution. The data can be retrieved in the form of individual articles (species fact sheet) for a specific species or in the form of very flexible reports and statistics. An interface makes this information available to the management database VIA. In 2001 the Internet database WISIA-online was made available to a broad public for the first time as a service database of the Federal Agency for Nature Conservation. At www.wisia.de it is easy to find answers to questions about conservation of animals and plants and the regulations they are subject to. In addition to information on the scientific or German names, the user is given a synoptic overview of the various species conservation regulations that

provide for special or strict protection of species. Its users include not only the competent *Länder* and customs authorities, associations, companies trading in plants and animals, breeders and nurseries, universities and museums, but also tour operators, journalists, teachers and interested members of the general public. WISIA-online is available in the Internet in German and English.

6.4 Research projects

6.4.1 Development of new individual identification methods for reptiles

The aim of the project was to develop alternative individual identification methods for adult (fully grown) reptiles listed in Annex A to the EU Regulation on species conservation. For the first time, characteristics of markings and scales that facilitate photographic identification were quantitatively recorded and tested for practicability. Alternative methods of this kind were drawn up for the eight species examined in this project. However, there are still some uncertainties about the consistency of the characteristics over time. The results of the research project completed in 2000 were made known via the following publications:

- BENDER, C. (2001):
Photo documentation of protected reptiles.
-- Rheinbach (Deutsche Gesellschaft für Herpetologie und Terrarienkunde), 27 pp.
- BENDER, C. & HENLE, K. (2001):
Can you identify yourself? Research project confirms
individual identifiability of protected reptiles.
-- Natur und Landschaft, 76(4): 168-170.
- BENDER, C. & HENLE, K. (2001):
Individual photographic identification of land tortoise species listed in
Annex A to the EU Regulation on Species Conservation
-- Salamandra, 37(4): 193-204.

6.4.2 Development of biochemical methods for determining the age and origin of beluga, sevruga and osietra caviar

During the period August 1999 to July 2001, eighteen different caviar specimens were subjected to a standardised test every two months. This included physical, chemical, biochemical, microbiological and sensory tests. The purpose of the project was to test examination methods for determining the age, type and origin of the three main caviar species traded, namely beluga (*Huso huso*), sevruga (*Acipenser stellatus*) and osietra (*Acipenser güldenstaedti*), since it was not known whether – and if so, which – biochemical methods were suitable for determining the age or type of caviar.

The results of the project were as follows:

sensory characteristics and chemical and physical parameters are important attributes for determining the quality of caviar as a food. The parameters investigated proved to be unsuitable for determining the catch date or storage duration. It was however shown that the different types of caviar from different countries of origin did not differ in terms of the characteristics measured or spoilage. The valuable findings gained during the project with regard to the various test methods can be used by other research institutions as comparative data, for example for identifying sturgeon species by means of the DNA analyses used. Other caviar specimens which were not part of the project were also examined during the project period. For example, these included commercial samples of other sturgeon species, sturgeon caviar from aquaculture operations, and samples of illegal shipments made available by the customs authorities. In many cases DNA tests revealed evidence of false declarations. It is planned to publish the study in German and English in 2003.

6.4.3 Data analysis and evaluation of literature on transport losses of CITES protected animal species

The research project started in 1999 was continued until the end of 2001. The study involved compiling and analysing data from 19 different sources comprising a total of 7,450,703 individuals in 38,815 entries. Most of the information related to birds (89% of the entries), 9% to reptiles and only 2% to other groups of animals. 742 of the entries related to CITES protected species. The total number of species included was 2,132. The average mortality rate on arrival after transport was 1.53%. This ranged from 0.56% for mammals to 5.99% for arthropods, with the broad data basis for birds yielding the most reliable results. In all animal groups the mortality of CITES protected species was found to be lower than for non-CITES species.

An extensive statistical analysis of the data was performed. It proved possible to test a total of 73 families and 198 species for significant differences. Of these, 7 families and 23 species were classified as transport sensitive.

Not only the species, but also the airlines and export countries were rated in terms of the mortality rates determined. Other aspects investigated were compliance with the IATA transport rules, the duration of the shipments, and the number of stops in transit and their impact on transport losses. Publication of an English version of the study is planned for 2003.

A subproject undertaken as part of the study was an analysis of the questionnaire campaign initiated by the CITES Secretariat on the basis of Resolution Conf. 10.21 and the resulting Notification No. 1999/48. This led to an individual report which was reproduced by the Federal Agency for Nature Conservation and made available for the discussion at the 18th meeting of the Transport Working Group of the CITES Animals Committee in April 2002.

6.4.4 German listing proposals for the 12th Conference of the Parties

For the 12th Conference of the Parties to CITES, a total of nine proposals to amend the Appendices to CITES were drawn up on behalf of the German Scientific Authority; seven of these were adopted:

<i>Ara couloni</i>	–	Blue-headed macaw,
<i>Annamemys annamensis</i>	–	Annam pond turtle,
<i>Heosemys</i> spp.	–	Asian forest turtle,
<i>Leucocephalon yuwonoi</i>	–	Sulawesi forest turtle,
<i>Orlitia borneoensis</i>	–	Malaysian giant turtle,
<i>Atrophaneura jophon</i> and <i>A. pandiyana</i> ,	–	two Asian butterfly species,
<i>Guaiaacum</i> spp.	–	Lignum vitae species.

The proposals for upgrading the Lesser sulphur-crested cockatoo (*Cacatua sulphurea*) to Appendix I and for inclusion of the three Swallowtail butterfly species *Papilio aristophantes/nierens/sosia* in Appendix II did not meet with approval even within the European Community and were therefore withdrawn.

6.4.5 Individual identification of juvenile land tortoises

The project was started in 2001 and aims to develop methods for individual identification of juvenile land tortoises listed in Annex A to EC Regulation 338/97 with the aid of photo documentation. Taking account of the results obtained from a previous project concerned with adult animals (cf. 6.4.1), this project is designed to investigate in particular the ontogenetic development of the individual features in young animals. This research project is likewise intended to develop individual animal passports including photo documentation to permit unambiguous identification of a specific individual. The aim is to draw up recommendations for time intervals for photo documentation during the growth phase, and to test the suitability of the young animal passports for implementation purposes.

6.4.6 Analysis of populations of and trade in Georgian geophytes

On the basis of the analysis of the German trade in geophytes prepared by the Scientific Authority, a focus study was undertaken in 2001/2002 on the impact of trade on geophyte populations in Georgia and an assessment of the growing methods used there. The results of the study were presented to the CITES Plants Committee and form the scientific basis for the quota decisions in the EU scientific examination group.

6.4.7 Analysis of trade in and use of *lignum vitae* (*Guaiacum* spp.)

In 2001 the Scientific Authority performed a trade study on the use of *lignum vitae*. The principal findings of the study were as follows:

Apart from a market for solid wood products, *lignum vitae* is imported on a considerable scale for processing to extracts as a raw material for the liqueur industry and for pharmaceutical purposes, and it is not clear whether imports are of the species *Guaiacum sanctum*, which is already listed in CITES, or the species *G. coulteri*, which was not listed in CITES until the 12th Conference of the Parties, since the products of the two species are almost completely identical. For this reason the Scientific Authority, in close cooperation with Mexico, prepared a CITES Appendix amendment proposal which was adopted unanimously at the 12th Conference of the Parties.

6.4.8 Trade in protected medicinal plants

A research and development project made an extensive trade study of 16 CITES species. All the species are of significance for the international trade in medicinal plants. The study analysed existing implementation deficits in the medicinal plants sector and made recommendations for remedying the situation. The report was unanimously adopted at the 10th meeting of the CITES Plant Committee in Shepherdstown (USA) in December 2000. The study was published in 2001 as a Federal Agency for Nature Conservation Script (No. 39).

6.4.9 Development of standard methods for identification of individuals and cell material of Urial subspecies on the basis of morphological and DNA tests

The Urial (*Ovis vignei*) is an endangered Asian wild sheep. The Ladakh Urial (subspecies: *Ovis vignei vignei*) has been listed in CITES Appendix I since 1975, while all other subspecies were included in Appendix II at the 11th Conference of the Parties in April 2000 in response to a German proposal. This results in the necessity to develop identification aids at the subspecies level to enable staff of the customs offices and other management authorities to identify trophies – which are virtually the only traded parts of this species. At subspecies level this is only possible for the Urial by including “microsatellite DNA fingerprinting”.

The project has the following individual objectives:

- To collect tissue samples, photos and morphological descriptions of each subspecies in the countries of origin concerned.
- To identify and analyse suitable markers (polymorphic microsatellite loci, base pairs of mitochondrial (mt) DNA).
- To develop a database with standards for reliable identification of each Urial subspecies and publish this database (including photos, complete instructions and guidelines for performing laboratory analyses and statistical tests) by placing it on the web site of the IUCN/SSC Caprinae Specialist Group.

The findings are also to be published in international technical periodicals.

GREECE

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**MINISTRY OF RURAL DEVELOPMENT & FOODS
GENERAL SECRETARIAL OF FOREST
& NATURAL ENVIRONMENT
DIR. OF AESTHETIC FORESTS - NATIONAL PARKS
& GAME MANAGEMENT
SECTION B
CITES MANAGEMENT AUTHORITY**

**BIENNIAL REPORT
OF GREECE
2001-2002**

LEGISLATIVE AND REGULATORY MEASURES

The Convention on International Trade in Endangered Species of Fauna and Flora (CITES), known as Washington Convention was ratified by the Greek Parliament on June 9, 1992, Law 2055/1992, and published in the Government Gazette 105 /A/ on June 30, 1992. On October 8, 1992 Greece had officially applied to the CITES depositary Government (Switzerland) and became the 117th Party of the Convention on January 6, 1993.

The present Greek Constitution, established in 1975 (Government Gazette 141/A/ 16.7.1975) is sensitive to environmental problems and therefore in articles 24 and 117 guidelines are given to urge and demand environmental protection and conservation. Some corrections of the Constitutions were made (Government Gazette 168/A/12.8.1975). Articles of this Constitution have been amended in 1986, Government Gazette 22/A/ 12.3.1986 and during spring 2001, Government Gazette 84/A/ 17.04.2001. Referring to the amendment of the above-mentioned article 24, it is emphasized that the State and its citizens have the obligation and the right to protect the natural and cultural environment. For the protection of the environment, the State has the obligation to establish specific preventive and repressive measures, based on the framework of the sustainable principal. Regarding the environment, no other significant Constitutional changes have been voted, while the article 117 remains as it used to be.

The first legislative measure taken by Greece, regarding the implementation of European Union Regulations 3626/82 and 3418/83 (consequent indirect implementation of the Convention on International Trade in Endangered species of wild Fauna and Flora), was the Common Ministerial Decision (Ministries of Finance and Agriculture) No 261554/14 February 1985, Government Gazette 112/B/01.03.1985. This decision was based on article 258 Paragraph 3 e of Legislation Decree 86/1969, the Forest Code.

Four (4) Cites Management Authorities were designated for the issuance of CITES permits, although Greece had not ratified CITES Convention by then. Penalties to the violators from 2 to 12 months imprisonment and at least a 10.000 Greek Drachmas administrative fine were imposed. Later on, this Decision was partly amended, after Greece had ratified the CITES Convention and had proceeded to the establishment of the relevant legislation.

I. Sanctions imposed to Greece

By an official Notification, the Secretariat of CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, recommended a ceasure of trade with Greece in all species covered under this treaty. So, on the 1st September 1999, the CITES Secretariat imposed sanctions to Greece, calling upon all countries to strictly implement a ban on trade of wild plants and animals, possessing the three following demands to be applied in compliance to the provisions of the Convention:

- The establishment of proper legislation, in order to prohibit trade in specimens in violation of the CITES Convention and to penalize such trade.
- The designation of an independent Scientific Authority
- The reduction of the entrance points of CITES specimens to Greece.

Following this “embargo” Greece took all the necessary steps, fulfilled all the above-mentioned requirements, and the ban on trade was lifted six months later, on March 14, 2000. In the previous year (1998) before the ban on trade, the Greek Parliament had voted for Law 2637/1998, Government Gazette 2000/A/1998, which is the most significant legislative instrument for implementing the CITES Convention and consequently EC Regulation 338/97 and 939/97. By the time these sanctions were imposed, the anticipated by the above-mentioned Law (No 2637) regulatory Ministerial Decisions were not issued yet. This Law is very important for the wildlife trade regulation and the protection of the non-indigenous species imported to Greece and especially the endangered species included in the appendices that are protected by CITES Convention (article XIV paragraph 1 of the text, Resolution Conference 6.7 in Ottawa, Canada, July 1987).

II Law 2637/1998 - Provisions for Sanctions, Seizures and Confiscation

The most significant articles of Law 2637/1998 are the following Article 57 of Law 2637/1998 By decision of the Secretary General of each Prefecture, published in the Government Gazette, bans, limits or conditions may be placed on fishing, farming, pasture, woodcutting and the use of protected plant products as well as the collection and cutting for commercial purposes of aromatics, dyestuffs, spices, honey and plants for flowers and decoration.

Article 258 of Legislative Decree 86/1969 is amended as follows:

Case .g. of par. 3 of article 258 is repealed once this law enters into force After par. 5 of Article 258, with the addition of par. 3 of Article 7 of Law 177/1975 (Government Gazette 205/A/1975) a new paragraph 6 is added as follows:

6.a) the following are prohibited without a license:

The exportation, importation, re-exportation, re-importation, transportation, sale, purchase, advertising, rental, commercial exploitation, competition and generally the holding, marketing keeping, exhibiting, transporting, dispatching and transfer of:

i) species of wild flora and fauna and samples thereof, whether living or dead and whether processed or not.

ii) species of wild flora and fauna and samples thereof born and raised and still raised in captivity or artificially produced, processed or not, and species or samples which constitute part of personal or domestic articles.

iii) species of wild flora and fauna and samples thereof, whether processed or not, which are loaned or exchanged for commercial reasons between recognized scientists and scientific research institutes.

b) Decisions by the Minister of Agriculture, published in the Government Gazette, shall specify those species of wild flora and fauna covered by the above points, the limits and conditions for granting licenses pursuant to the above point and the type of these licenses as well as any other details necessary for the implementation of the previous point.

c) In order for the above license to be granted, a fee must be paid which will be considered as State Budget Revenue. The amount of this fee shall be determined and

readjusted by decision of the Ministers of Finance and Agriculture published in the Government Gazette.

d) Importers, exporters and associations thereof as well as companies marketing and transporting the species specified in the above subparagraph b, shall be entered in a special register for the issue of the above-mentioned license. The Minister of Agriculture shall publish a decision in the Government Gazette specifying the conditions for entry in this register and any other details required for implementation of this point.

e) Within the Ministry of Agriculture shall be set up a Scientific Committee on Trade in Species of Wild Flora and Fauna, consisting of the following:

i) The Head of the Directorate for Aesthetic Forests, Parks and Game in the Ministry of Agriculture who shall be replaced by his legal deputy

ii) One representative of the academic staff of the Forestry and National Environment Department of the Aristotelian University of Thessalonica and a deputy

iii) Two representatives of the academic staff of the National Zoological Institute with their deputies.

iv) One representative of the academic staff of the National Botanical Institute and a deputy. Their particular institutes shall propose all the above representatives and their deputies. An official from the Directorate of Forests, Parks and Game shall be nominated as secretary of the Committee together with a deputy.

In the Committee, upon the written invitation of the head of the Directorate of Aesthetic Forests, Parks and Game of the Ministry of Agriculture may attend, where appropriate, specialized scientists representatives of research institutes or non governmental environmental organizations who have many years of experience in the topics under discussion. The members of the Committee and its secretary shall remain on duty for a three-year period. The members of the Committee shall be appointed by decision of the Minister of Agriculture.

The function of the committee is to give an opinion on matters related to point b and for any other matter related to trade of species of wild flora and fauna. The above Committee shall represent Greece on the CITES Scientific Committee of the Member States of the European Union and the Secretariat of the International Convention in International Trade in Endangered Species of Wild Flora and Fauna (CITES).

The Minister of Agriculture shall adopt a decision, published in the Government Gazette, specifying the organization, method of operation of the committee and any other details of its operation.

f) The Minister shall make a decision, published in the Government Gazette, specifying the criteria and procedure for the recognition and supervision of legal persons who receive, keep and look after species of wild fauna in Protection centres for species of wild fauna and any other details for the application of this point. The above legal entities are recognized as Protection Centres for species of wild fauna, provided that their operation is not contravening the provisions in effect for public health.

Article 265 of Legislative Decree No 86/1969 is amended as follows:

At the end of point .a. of paragraph 4 of Article 265 the following phrase is being added: and the works carried out and implemented by the Forest Service, in order to maintain, rehabilitate and manage the species of wild fauna and flora and their biotopes.

At the end of point .g. of paragraph 4 of Article 265, points .h. until .id. were added as follows:

The preparation of studies and the execution of specially formed programmes of research and management of species of wild flora and fauna and their biotopes The implementation of public awareness campaigns on matters of protection of species of wild fauna and flora and their biotopes

ia) The implementation of programmes for reception, preservation and care of species of wild fauna

ib) The repatriation, re-dispatching, re-exporting expenses in the country of species of wild fauna

ic) The transportation, reception and hospitalisation expenses of the impounded species of wild fauna and flora and their samples (living or dead, processed or not, as well as the feeding of the live samples of wild fauna).

id) The Minister of Agriculture shall issue a decision, published in the Government Gazette, for the implementation of this paragraph to lay down rules and conditions on signing contracts between the Minister and other persons, who provide guarantee and adequate scientific experience in all relevant matters under the co-ordination of the central forest service of the Ministry of Agriculture

III Penalties

In Article 287 of Legislative Decree 86/1969, amended and completed subsequently, paragraphs 22, 23 and 24 were added as follows concerning the imposed penalties:

22. Whoever keeps, imports, transports and trades in any way, species of Article 258 paragraph 6 point .b. without license or with a falsified license is sent to prison from two (2) months up to one (1) year and if relapsed, for two (2) years.

23. Whoever denies or obstructs or holds the inspection by the Auditing Authorities of species of Article 258 paragraph 6, point .b. or denies information or gives false information, is sent to prison from one (1) month up to six (6) months.

24. The sentences of paragraph 22 and 23 are charged against of all who are responsible, such as businessmen in personal companies, partners in general partnership, administrators in limited liability companies and whoever is in charge of cooperatives and Anonymous Companies or in lack or the above the members of the board of Directors.

After article 288 a new article 288a is added as follows:

This article deals with the administrative sanctions as follows:

Persons infringing paragraph 6 (a), (b), (c), (d) and (f) of Article 258 shall be fined with an amount between 200,000 and 5,000,000 Greek Drachmas. The species of wild flora and fauna and the samples of them, whether alive or dead, processed or not, shall be seized by the forest or customs authorities and they shall be given to the nearest Forest Service for further procedures with responsibilities of which shall be:

Returned or re-exported to their country of origin or disposed of or kept, taken care of and looked after. When the forestry authority seizes them, the provisions of paragraphs 2, 3 and 4 of Article 288 of legislative decree 86/1969 shall apply.

If it is discovered that there has been a forgery in license accompanying the species or has been falsified, the sanctions in the previous paragraph shall apply. For subsequent offences the fine shall be doubled.

When determining the level of the administrative sanctions in this article, account shall be taken to the severity of the infringement and whether it is a second offence.

The fine, which is referred to in this article, shall be imposed by decision of the head of the regional administration responsible in accordance with the supporting information submitted. A decision shall be made according to the provisions of Articles 56 and 57 of the Criminal Procedure Code.

The person affected by the decision to impose a fine shall have the right to appeal to the three-member administrative court within thirty (30) days. This period is commencing on the day following the issuing of the decision. The appeal shall not suspend the application of the decision. However, the chairman of the court could make a decision to suspend the application of the decision, in accordance to the provisions of Article 2, Law No 820/1978 [(Government Gazette 174/A/1978) as replaced by Article 27 of Law 1406/83 (Government Gazette 182/ A/1983)].

The suspension of the decision can be accepted in part or in full if the judge ascertains from specific information that the claimant is unable to pay or considering that errors have been committed.

Against the decisions of the administrative courts, it is possible to raise legal means according to the provisions of the Legal Taxation Procedure Code. The amount of the fine specified in this article may be adjusted by decision of the Minister for Agriculture, which shall be published in the Government Gazette. The fines collected under this article shall be considered as state revenue and collected under the State Revenue Collection Code. The Forest Service Regional Directorates shall undertake this procedure.

Article 58 of Law 2637/1998 Article 36 of Law No 1845/1989 is amended as follows:

Point .b. of paragraph 1 is amended as follows:

The protection of wild fauna and their biotopes, the inspection on maintaining game rules, the guarding and inspection in game areas, the protection of wild life shelters and game breeding stations, as well as the protection of fisheries resources of mountain streams and the carrying out of inspection while fishing into them.

b) In paragraph 1, after point .f., a new point .g. is added as follows:

The carrying out of inspections into the import, movement, placing on the market and holding of all general protected species of wild fauna and flora and samples thereof, whether living or dead, processed or not and the application of any measures required to prevent and suppress offences Paragraphs 1 and 2 of article 39, Law 1845/1989 are replaced as follows:

Under article 36 of this law, the protection of forests is carried out by the office, that work in the Forest Service, with the exception of case .f. where only forest engineers, foresters and forest guards can proceed with the inspections.

In the framework of forest protection, forest officers and officers of categories a, b, c, e, f of paragraph 1 of article 39 of this law, are obligated and responsible to draw up charging documents against any offence to the forestry laws, to impound forest products and generally all the protected species of wild fauna and flora, the samples thereof, whether living or dead, processed or not, collected, caught, traded or placed on the

market or kept illegally. In addition, they are obligated to impound all games and fishes caught in offence against the provisions on game and mountain fishery. Finally they are responsible for impounding every device used in offences and to arrest, transfer and surrender any offender to the nearest police station.

The cost of transportation and feeding, along with every necessary cost until the transportation of the offenders is stated in the budget of the Ministry of Agriculture.

The Ministers of Finance and Agriculture shall decide regarding the daily feeding expenses of all the above - mentioned surrenders.

Paragraph 9 of article 38 of law 1845/1989 is replaced as follows:

9. Whoever passes through forests or forest grasslands, biotopes and particularly wetlands neighbouring with forests and partially forested lands, either as a stroller or a camper or professional forest profiteer or shepherd and anyone who hunts or collects or catches or transfers in any direction, is obliged to show the relevant hunting license or CITES license or license for transport of forest goods and so on. Any suspicious vehicle could possibly be under inspection for possession of illegal forest goods, games or species of wild flora and fauna, samples thereof, whether living or dead, processed or not, as well as hazardous materials that may cause damage or pollution to the wild flora and fauna. Proper display of the identity of the forest officer should take place prior to any inspection. The inspection is carried out in any place where species of wild flora and fauna and samples thereof, whether living or dead, processed or not are being kept, transferred, looked after, exhibited or traded, if necessary in cooperation with officials of other departments.

Infringements shall be notified by the departments carrying out these inspections in writing to the person who committed the violation, who then has 15 days after notification to appeal at the inspection authority, giving their opinion or objection. This document is returned to the person committing the infringement with proof of receipt.

After the expiration of the deadline and irrespective of whether or not the person concerned has submitted comments, the inspection authority shall notify the forest directorate, which is responsible for all the information related to the infringement.

Article 59 of Law 2637/1998 In Article 15 of law 998/1979, a new paragraph 7 is added as follows:

7. By decision of the Secretary General of each Region, all Forest Service Regional Directorates can prohibit the access of cars through forest roads so as to protect wild fauna and flora and their biotopes. By this decision, time and place of the prohibition are specified as well as every exception with relation to farmers, shepards and so on.

In article 68 of law 998/1979, a new paragraph 3 is added as follows:

3. All persons who have committed the infringements of the provisions of decision 7 of article 15 are fined from 50.000 GRD. up to 150.000 GRD. and sent to prison from two (2) up to six (6) months.

IV CITES Supplemental Legislative Measures and Activities Indicated by Law 2637/1998 Regulatory/Enforcement and Administrative Measures

No 387913/25.11.1999 Ministerial Decision (Ministry of Agriculture), Gazette 2099/B/1999, anticipates the organization and the function of the Scientific Committee related to the trade of wild fauna and flora.

No 373986/24.12.1998 Ministerial Decision (Ministry of Agriculture), proceeded to the designation of the Scientific Committee of wild fauna and flora, according to the CITES Convention demands. The above decision was amended by Ministerial Decision No 331720/10.2.1999. The Minister of Agriculture in this Decision consider the provisions of case (e) of paragraph 6 of article 258 of Law 86/69, added with paragraph 5 of article 57 of Law 2637/1998 as well as the proposal of the Department of Forestry and Natural Environment of the School of Geotechnical Science of the Aristotle University of Thessaloniki and the Department of Biology of the School of Natural Sciences of the University of Athens, as were expressed by letters of 246/2.11.1998 and 391/19.10.1998 respectively.

So, they were designated as members as per case (e) of paragraph 6 of article 258 of Law 86/1969 added with paragraph 5 of article 57 of Law 2637/1998, Scientific Committee for the trade of species of the wild fauna and flora, as follows:

Three professors of the Department of Biology of the School of Natural Sciences of the University of Athens as regular members with their replacements of the same profession and University.

Two professors of the Department of Forestry and the Natural Environment of the School of Geotechnical Sciences as regular members, with their replacements of the same University.

The Director of the Directorate of Aesthetic Forests National Parks and Game Management of the Ministry of Agriculture was designated, replaced, in case of absence, by his legal replacement.

In case the Committee discusses items on:

Wild fauna, the participating member is the one on paragraph (b) specialized in this field with his/her replacement.

Wild flora or Cites timber species, the participating member is the other of the paragraph (b), specialized in this field with his/her replacement.

A permanent employee of the Ministry of Agriculture (Directorate of Aesthetic Forests, national Parks and Game Management) was appointed as secretary of the Committee. His/her replacement comes from the same directorate.

The duration of the appointment of the above Committee members and the Secretary will be three years. This Decision is not published in the Government Gazette.

In order to comply with the required legislation, Greece issued No Γ 475/A0019/ 16.10.1998 Ministerial Order (Ministry of Finance), which reduces the entrance points of importing wildlife specimens as follows:

Greek entrance points (customs) for importing CITES specimens:

Evzoni (live animals, plants, parts and derivatives)

Krystallopigi (plants, parts and derivatives)

Niki (live animals, plants, parts and derivatives)
Idomeni As stated above
Promachonas As stated above
C Thessaloniki As stated above
B Thessaloniki As stated above
E Thessaloniki Airport As stated above
Ormenio As stated above
Kipoi As stated above
Alexandroupoli For plants, parts and derivatives
A Piraeus As stated above
E Piraeus As stated above
Athens Airport (E.Venizelos) (live animals, plants, parts and derivatives)
Kakavia As stated above
Igoumenitsa (plants, parts and derivatives)
Patras As stated above
Kastoria As stated above
Volos As stated above
Rhodes As stated above
Heraklion As stated above
D Customs (parcels Parts and derivatives)
Greek (re) export Custom's ports are all the A and B Classes. (There are about 110 such Customs Authorities).

In addition, Greece has issued:

1) J.M.D. Join Ministerial Decision 33318/3028/ 11-12-1998 (Government Gazette 1289/B/28-12-1998) *Join Ministerial Decision of the Minister of Interior, Public Administration and Decentralization, Ministry of Economy and Finance, Ministry of Culture, Ministry of the Environment, Physical Planning & Public Works, Ministry of Rural Development and Foods and Ministry of Mercantile Marine on determination of regulations and procedures for the conservation of natural ecosystems and of wild fauna and flora*, regulates the measures for the conservation of wild fauna and flora. This decision was based on the Legislative Decree 998/1979, article 19.

Article 13 of the Decision indicates in detail those measures for the protection and conservation of the wild fauna and flora, with all the relevant lists endangered species of the wild fauna and flora.

2) J.M.D. Join Ministerial Decision 331794/ 12-3-1999 (Government Gazette 281/B/2-6-1999) *Join Ministerial Decision of the Minister of National Economy and The Minister of Agriculture on provisions for the international trade in endangered species of wild flora and fauna*, which regulates the trade of wild fauna and flora.

Article 2 of the Decision indicates the that are protected by every convention, agreement as well as by the national legislation.

Articles 3,4,5,6,7 solve a variety of application matters of the convention and the relevant EC Regulations. Article 8 gives the authority of issue permits for non-CITES specimens of paragraph 2 of Decision No 261554/1985 -(J.M.D. Join Ministerial Decision 261554/ 1985 (Government Gazette 112/B/1985) *Join Ministerial Decision of the Minister of National*

Economy and The Minister of Agriculture in determination of the Greek management Authorities for the implementation of the regulation 3626/82 of the European Council).

Article 9 prohibits the possession and capture of any live animal in appendix I of the CITES or annex A of Regulation EC 338/97 including personal or household species, harmonizing the legislation with article 8 of the above mentioned Regulation. Article 10 determines the field of implementation. It defines as well the Pineal and Administrative penalties to the offences.

Finally, article 11 amends and supplements Common Ministerial Decision (National Economy and Agriculture) No 414985/1985.

3) J.M.D. Join Ministerial Decision 356354/ 2-6-1999 (Government Gazette 1205/B/15-6-99) *Join Ministerial Decision of the Minister of National Economy and The Minister of Agriculture on the payment of the fees for the issuing of the CITES certificates for the trade in endangered species of wild flora and fauna*, specifies the fee for issuing CITES permits by the National Management Authority.

4) Ministerial Decision 331739/ 26-2-1999 (Government Gazette 194/ B/26-2-1999) *Ministerial Decision of the Minister of Agriculture on a record list for trade companies in endangered species of wild flora and fauna*, creates and imposes registration of all enterprises that deal with the trade of wild fauna and flora. The CITES Administrative Authorities maintain this registry for the application and enforcement of the relevant Convention.

5) No 336107/14.02.2000, Government Gazette 223/B/2000, Ministerial Decision (Ministry of Agriculture) anticipates criteria, recognition, organization and function of wild animal species hospital reception canthers.

Under discussion:

There was also under discussion that period a draft of Law 3208 for the *Protection of Forest ecosystems*, which is planning to be issued during the following year of 2003. This draft is of great importance because provide the establishment of thirteen (13) district CITES Management Authorities all over Greece, with the main CITES Management authority in the Ministry of Rural Development and Foods (former Ministry of Agriculture) to play the role of the coordinator and for ensuring that the Convention is properly implemented throughout in Greece.

(It has to be noticed that by the time this biennial report is being prepared this Law has already been voted).

V CITES Enforcement Authorities Legislation

Law 2637/1998, articles 57, 58 and 59 provides that the Forest Service and the Customs Authorities are responsible for the CITES enforcement.

Law 1845/1989, article 36 deals with the field of responsibility of the Forest Service. Article 38 deals with the organization of the enforcement and the control mechanism for wildlife protection and this task has been officially charged to the Forest Service.

Law 1165/1918, the Customs Code, articles 100, 102, 107 and 112, provide the customs officers with the authority to act against any illegal importation-exportation activities. Presidential Decree No 127/1989, Government Gazette 60/A/1989, .The Duties of the Customs Officers.. Article 1, paragraph, 3 states that custom officers are entitled, under

the supervision of the District Attorney to proceed according to the Code of Criminal Procedures the necessary investigation actions against the custom's law or any other specific law.

ADMINISTRATIVE MEASURES

I. The CITES Management Authorities

Each Party shall designate for the purposes of the Convention one or more Management Authorities (article IX of the text). The Greek central CITES Management Authority is affiliated with the Secretariat General of Forest and Natural Environment /Directorate of Aesthetic Forest, National Parks and Game management, of the Ministry of Agriculture. Two decentralized Management Authorities are designated by Common Ministerial Decision No 331794/12.03.1999, both of which are based in northern Greece. The first one is based in Thessaloniki, (Forest Service Regional Directorate) and the second in the Prefecture of Kastoria (Forest Service District Directorate), which is a significant fur manufacture area.

The Central Management Authority is responsible for ensuring that the Convention is properly implemented in Greece, and all of them are involved in enforcement duties and issuing permits and certificates for the import and (re) export, or commercial use of CITES specimens.

II The CITES Scientific Authority

Greece has one Scientific Authority composed of six regular members and an equal number of substitutes.

Ten of them are professors of specific university schools (Athens and Aristotle of Thessaloniki Universities), specialized in the wildlife field, while the other two (one regular and his substitute) work for the Ministry of Agriculture. The Secretariat of the Scientific Authority is based in the Ministry of Agriculture.

The Scientific Authority is designated by Ministerial Decision (Minister of Agriculture) No 373986/24.12.1998, authorized by Law 2637/1998, article 57 Paragraph 5 and comes into force immediately for duration of three years services.

III The CITES Enforcement Authorities

The enforcement of the Convention at borders is carried out by Customs Authorities and in the interior of the country is carried out primarily by the Forest Service and occasionally by the Police.

As has been stated, Greece is mainly a CITES specimens import country. The Greek legislation for the protection of the domestic fauna and flora is very strict. Taking into account the above-mentioned facts, it is obvious that the main job of the CITES enforcement is being carried out by the Greek Customs Authorities. So, the Customs in Greece has an extremely vital role for implementation of the CITES.

- They check the validity of the documents submitted and ensure that they correspond to the actual goods
- They combat fraud and check that prohibition and restriction measures are complied with, using up-to-date control methods based on risk analysis, including targeting
- They conduct investigations at traders, premises or carry out checks on the transport of goods within the country. In carrying out this mission Customs are not alone. Experts may assist in the identification of specimens. Laboratories or other scientific institutions may analyse certain products to determine whether they contain CITES specimens. The CITES Management Authorities help the Customs solve the problem of what to do with live animals that they seize. The Customs co-operate with other bodies responsible for implementing CITES.

Three seminars of duration of two days each for the Greek Enforcement Authorities took place during this period.

IV Forms of transport and Forest services.

Trade flows use certain kinds of transport and the controls applied to them depend on the nature of the frontier.

Seaports: mainly used for manufactured articles and dead specimens.

Airports: These are used for small and medium-sized commercial items, valuable goods and for live species.

Land ports: The importance of them depends on the geographical status. Travelling shows usually choose these frontiers.

Mail entrance points: It is very difficult to detect undeclared goods. This is the preferred frontier for small batches of insects, manufactured articles and certain hides such as leather watchstraps and so on.

The geographic area of Greece and the nature of its frontier as well as the fact that the European Union external frontiers exist only with the third countries. were the factors leading to the establishment of the required frontier inspection points. Therefore, Greece by No Γ 475/ A0019/ 16.10.1998 Ministerial Order (Ministry of Finance) has reduced the entrance points for CITES listed specimens, as they were stated in the legislation portion of the present report and briefly have as follows:

At present, there is a total number of twenty-two (22) entrance points (Customs), which are responsible for the importation of parts and derivatives of CITES listed specimens. Twenty-one (21) of them are responsible for live plants and eleven (11) of them are responsible for live animals. Regarding the exportation process, it should be noted that all the Customs of either A or B Class are entitled to undertake all the relevant works (approximately 110 Customs Authorities).

The Forest Service is responsible for the internal trade of wild fauna and flora, which is either listed in the CITES Convention Appendices or not, within the entire Greek territory. The Forest Service has also a vital role in enforcement of the CITES. They check the validity of the CITES documents. They combat fraud and check that prohibition and restriction measures are complied with. They conduct investigations and so on.

The Forest Service is organised as follows:

- Forest Service Regional Directorates of each Region

- Forest Service Inspectorates
- Forest Service Directorates of each Prefecture
- Forest Service District Offices (Dassarchia)
- Forest Service Offices (Dassonomia)
- Forest Service Guard Posts (Dassofilakia)

V Significant infringement cases.

A number of wildlife crime cases were investigated, especially after the recent legislation (Law 2637/1998) enforcement. According to the provisions, the violators were sent to the Court of Justice.

Table 1 that follows shows some of the main wildlife crime cases investigated by Forest Service District Offices.

Administrative penalties were also imposed to the violators. All the cases, defined as wildlife crime cases, require a long time period until they reach the end (final Court decision) and have the seized specimens confiscated. Because of this long time span, a great problem has arisen concerning proper reception places for the seized live animal welfare.

Species involved	Protection status	Commercial value	Countries	Offence	Law	Penalty	Date of seizure and date of first report of offence	Details
Two (2) Crocodiles	Appendix II, Annex B	Unknown	Unknown	Illegal possession of wild animals	Regulation (E.C.) 338/97 Legislation Decree 86/69 article 258 Law 2637/98 Article 57 paragraph 5b Common Ministerial Decision 331794/99	No court decision yet	22-03-2000	
One (1) Lion, One (1) Leopard, Two (2) chitas and one (1) carved ivory	Appendix I Annex A	Unknown	South Africa	Illegal importation and possession of wild animals specimens	Regulation (E.C.) 338/97 Law 2637/98 Article 57/ 58	No court decision yet	16-11-2000	The specimens were imported from S.Africa 10 years ago. The species (Lion, Leopard and Chitas) are stuffed.
One (1) <i>Eretmochelys imbricata</i>	Appendix I Annex A	Unknown	Unknown	Illegal possession and trade of wild animal	Regulation (E.C.) 338/97 Law 2637/98 Article 57/ 58	No court decision yet Administrative penalty 200.000 Greek Drachmas	28-8-2000	Shell of marine turtle
Five (5) tigers <i>Panthera tigris</i>	Appendix I Annex A	Unknown	Italy Circus Francesco Orfei (Nevio Erani)	Illegal importation and possession of wild animals specimens	Regulation (E.C.) 338/97 Legislation Decree 86/69 article 258 Law 2637/98 Article 57 paragraph 5b Common Ministerial Decision 331794/99	The court decision was a conviction for the circus of seven (7) month in prison. Administrative penalty 2.500.000 Greek Drachmas	2-8-2001	Two (2) of the five tigers are being kept and guarded at the municipality of Trikala (central part of Greece) in the national zoo and the other three (3) tigers are also being kept and guarded at Rhodes by Mr.Vassilaki .
One (1) <i>Eretmochelys imbricata</i>	Appendix I, Annex A	Unknown	Unknown	Illegal possession and trade of wild animal	Regulation (E.C.) 338/97 Law 2637/98 Article 57/58	No court decision yet Administrative penalty 586,94 euros	28-08-2000	Shell of marine turtle
One (1) <i>Eretmochelys</i>	Appendix I, Annex A	Unknown	Unknown	Illegal possession	Regulation (E.C.) 338/97 Law 2637/98	No court decision yet	9-01-2001	Shell of marine

<i>imbricata</i>				and trade of wild animal	Article 57/58	Administrative penalty 586,94 euros		turtle
One (1) Monkey <i>Cercopithecus mona</i>	Appendix II, Annex B	Unknown	Unknown	Illegal possession and transportation of wild animals	Regulation (E.C.) 338/97 Law 2637/98 Article 57/58	No court decision yet Administrative penalty 586,94 euros	14-04-2001	The specimen aged 5 months was imported from a pet shop named "Luna" which has head offices in FYROM. The monkey was delivered to Mr David Barnes, director of Animal Amnesty International who probably sent it at the AAP Foundation in Holland
Seventy four (74) <i>Lynx lynx</i> or <i>Felis lynx</i>	Appendix II, Annex A	Unknown	Unknown	Illegal transportation of wild animals (furs)	Regulation (E.C.) 338/97 Law 2637/98 Article 57/58	No court decision yet	30-04-2001	Seventy four animal furs from Russia seizures from E Customs Office at the International Airport of Thessaloniki. None came to claim them.
One (1) <i>Dama dama</i>	Convention of Bern, Appendix III	Unknown	Czech Republic	Illegal transportation (without certification and permit papers) of an animal	Law 2637/98 Article 57	No court decision yet	22-08-2001	One stuffed head of an animal Dama dama. It was seized from the E' Customs Office at the International Airport in Thessaloniki.
Eighty four (84) <i>Felis lynx</i>	Appendix II, Annex A	11.975,50 \$	Russia	Illegal transportation of wild animals (furs)	Regulation (E.C.) 338/97 Law 2637/98 Article 57 paragraph 5b Common Ministerial Decision 331794/99 Legislation Decree 86/69 article 258	The court decision was innocent. Administrative penalty 1.000.000 Greek Drachmas for which it will be again judged at 29-4-2004	13-07-2000	Eighty four animal furs which were imported in Greece from Russia without any CITES import certificate, but with only the CITES export certificate from Russia.

Table 1. Compilation of EU Wildlife Regulation Implementation Reports- Confiscations

VI Violations Related to Wildlife Specimens Trade and Related Activities

Greece is mainly an import Country for CITES specimens. Only a few export permits are issued every year exclusively for research, scientific or other non-commercial purposes, regarding the indigenous wild species, due to the strict national legislation for the endemic fauna and flora.

Violations could be on illegal imports or possessions of CITES specimens.

VII The use and disposal of confiscated specimens

Article 57 of Law 2637/98 commands the following regarding illegal trade or possession of wildlife specimens. The species of wild flora and fauna and the samples of them, whether alive or dead, processed or not, shall be seized by the forest or customs authorities and they shall be given to the nearest Forest Service District Office for further procedures with responsibilities of which shall be:

- Returned or re-exported to their country of origin or
- Disposed of or
- Kept, taken care of and looked after.

VIII Seizure/Confiscation of Live species

There is a great problem regarding the interval time between seizure and confiscation of the specimens. Court procedures require a long period of time in order to reach the final decision and consequently to know if the already seized specimens shall become confiscated. Taking all the above-mentioned into consideration it is concluded that the Country needs to have proper reception places for main traded kinds of wildlife species. The operation of holding species in a proper place, taken care and look after them waiting for the Courts final decision requires a quite large budget. That budget usually is difficult for many countries to ensure or to afford it. On the other hand there is a great need for specific reception places. For instance Greece is in a great dilemma what to do with the five seized tigers from an Italian Circus as well as with the two seized crocodiles. It is considered and proposed for a European reception place that could be created in order to solve all these complicated matters.

In more details:

1. In 2000 two Lions (*Pantera leo*) from a municipality zoo and some other species were settled in appropriated places mainly with the cooperation of the Born Free organization from U.K.
2. In 2001 two of the five tigers (*Panthera tigris*) were being kept and guarded at the municipality of Trikala (central part of Greece) in the national zoo and the other three (3) tigers are also being kept and guarded at Rhodes by Mr.Vassilaki .
3. Also in 2001 one monkey (*Cercopithecus mona*) was delivered to Mr David Barnes, director of Animal Amnesty International who probably sent it at the AAP Foundation in Holland.

III Information/ Awareness

For public awareness, the Greek CITES Management Authorities have issued, published and distributed two information leaflets concerning European Union's Regulations 338/97, 939/97 in order to implement the abovementioned Convention and consequently the protection of endangered species. Two (2) posters also were issued demonstrating pictures of some well-known endangered wildlife species and giving some important messages for their protection, according to the CITES requirements. All the above-mentioned material was distributed to the CITES Enforcement Authorities, to the CITES listed specimens merchants, to Schools as well as to some individuals interested to the subject. Greek is the language that is used for the messages. This time is on progress the issuance of additional material regarding the implementation of the regulations 338/97 and 939/97 as was amended by Regulation 1808/2001 using English language as well.

A significant number of information and guide documents were issued from the CITES Management Authorities and distributed to the Enforcement Authorities (Customs and Forest Service) to keep them aware for any late development regarding the enforcement of the regulations.

IV Implementation Measures

Greece has fully computerized the CITES permits and Certificates according to the given by the EC Regulation 939/97 Article 2.1 to 2.4 model forms. The first page (original) of the permits and certificates has security diagrams and generally all the documents and procedures are according to the requirements of the above-mentioned Regulation. The permits and certificates are written in Greek and English languages. The system operates in the three CITES Management Authorities independently, but the central M.A. which is placed in Athens (Ministry of Agriculture) is the one that collect the entire data and issues the National reports. The central CITES Management Authority is connected on line with Internet through out the network of the Ministry of Agriculture. There are relevant information about CITES and implementation of the EC Regulations 338/97 and 939/97 in the web side of the Ministry of Agriculture written only in Greek language.

The total trade volume is not as large as in the other States members of the European Union. No significant difficulties have been found so far into the entire system of issuing CITES permits and certificates. The number of CITES listed specimens importers/merchants is very limited. Less than ten importers handle almost the total volume of CITES specimens.

Greece has also been monitoring non CITES listed wildlife specimens imported from Third Countries., since the year 2000, by issuing specific licenses. There is a fee charged for issuance of those non-CITES permits that reaches the amount of 15 EUROS (for old time was 5.000 GDR).

The average time of one week is that the Greek Management Authorities need in order to issue a CITES import permit. For export permits the M.A need more time, for normal cases. There is a fee charged for issuance a permit that reaches the amount of 30 EUROS (for old time was 10.000 GDR).

The Greek CITES Management Authorities has continued the good relationship from the previous years with relevant NGO's during the reference period 2001-2002.

IV.I Trade data for CITES listed animal specimens

The following Tables 2 & 3 shows in total the numbers of export and import permits in each category, while Table 4 a & b shows in statistical figure the above numbers.

Species	Number of permits
Mammalia	59
Reptilia	14
Aves	236
Mollusca-Corrals	55
Manufactured Products	230
Pisces	7
Hunting Trophies	3
TOTAL	604

Table 2. Imports permits in total for each category for 2001-2002

Species	Number of permits
Mammalia	17
Reptilia	10
Aves	9
Mollusca-Corrals	2
Manufactured Products	39
Pisces	1
Plants	2
Insects	1
TOTAL	81

Table 3. Export permits in total for each category for 2001-2002

Imports for 2001-2002

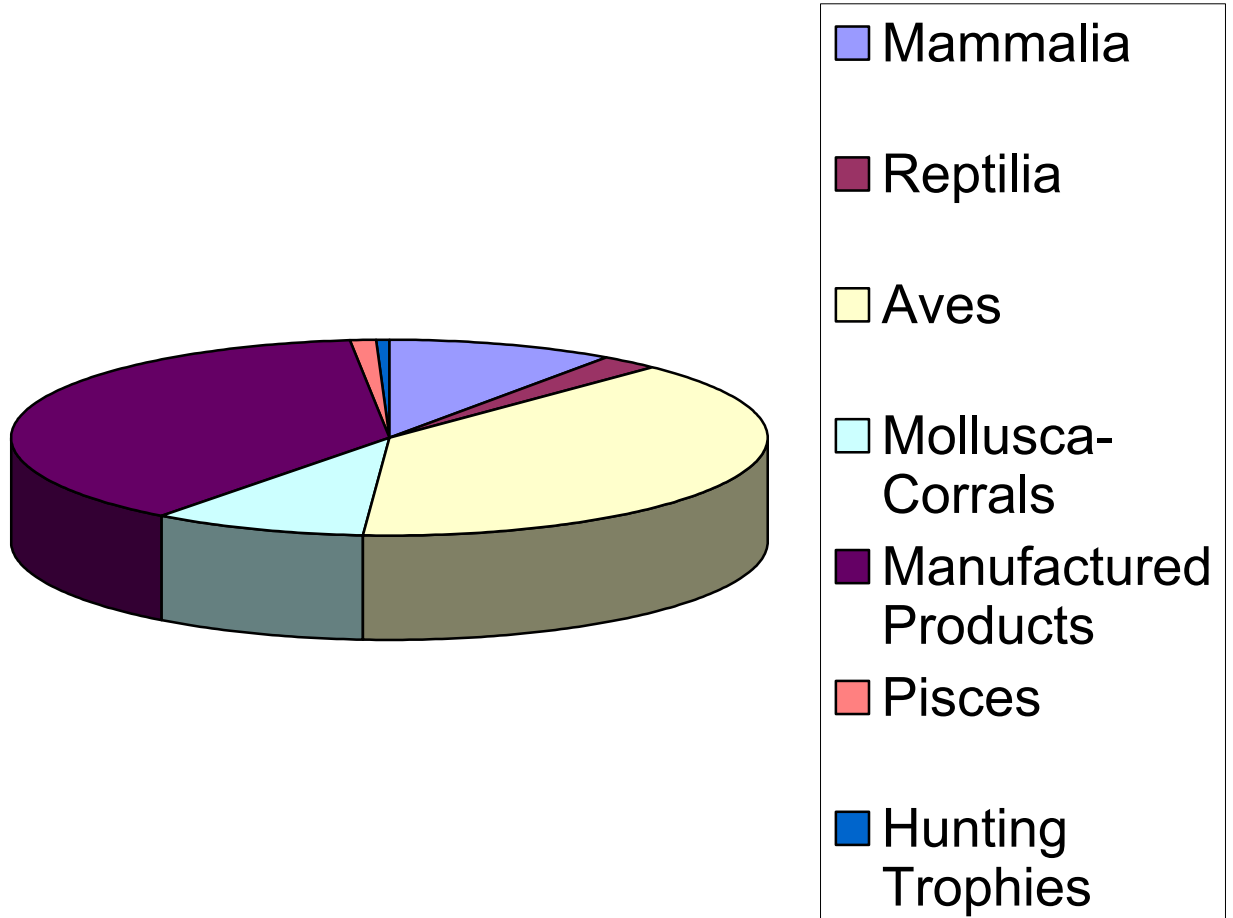


Table 4 a. In statistical figure the Imports permits for each category for 2001-2002

Exports for 2001-2002

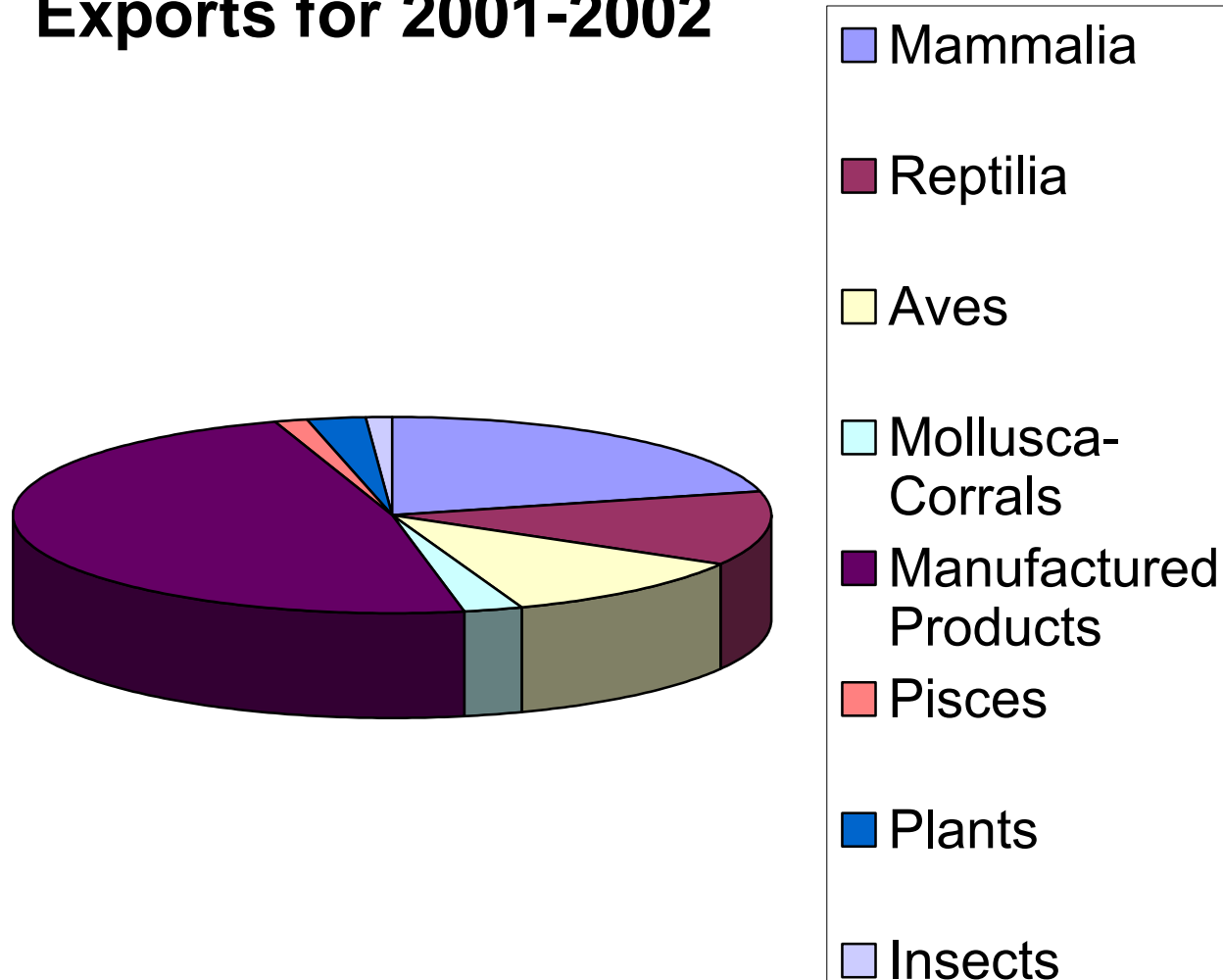


Table 4 b. In statistical figure the Export permits for each category for 2001-2002

Greece since May of 2001 continues the reservations over the Appendix III listings, regarding the specimens of *Moustela altiaca*, *Mustela erminea ferghanae*, *Mustela siberica*, *Vulpes vulpes griffithi*, *Vulpes vulpes Montana* and *Vulpes vulpes pusilla*. That was done, under the provision of the Council Regulation (EC) No 338/97 as amended by Commission Regulation (EC) No 2724/00 (Notification No 2000/070 of the CITES Secretariat).

IRELAND

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Biennial Report under Article 15(4)(c) of Council Regulation (EC) No. 338/97 on the measures taken to implement CITES in Ireland.

I. Legislative Measures

The Wildlife (Amendment) Act, 2000 amended the Wildlife Act, 1976 (the principal act for nature conservation in this country) and came into force on 31 July 2001. The Wildlife (Amendment) Act, 2000 contains a number of sections which facilitated the ratification of CITES. Ireland ratified C.I.T.E.S. on 8 January 2002 and became a party to C.I.T.E.S. on 8 April 2002. The Department of the Environment, Heritage and Local Government, through the National Parks and Wildlife Service, together with Customs and Excise is now in a position to fully enforce EU CITES Regulations. CITES offences are now offences under Irish law. Some principal sections dealing with CITES are described below:

Section 58 of the Wildlife (Amendment) Act, 2000 (which amends Section 53 of the Wildlife Act, 1976) designated the Minister for Arts, Heritage, Gaeltacht & the Islands now the Minister for the Environment, Heritage and Local Government as the Management Authority for Ireland.

Section 58 defines CITES offences under Irish law. The section also allows for the application of the Customs Acts to offences committed in relation to species on the CITES Appendices.

Section 65 of Wildlife (Amendment) Act, 2000 (which amends Section 72 of the Wildlife Act, 1976) provides for the Minister to appoint persons as Authorised Officers including Conservation rangers of this Department and also the Gardai to investigate offences and to seize specimens under the Wildlife Acts and the CITES Regulations. Section 68 of the Wildlife (Amendment) Act, 2000 (which amends Section 74 of the Wildlife Act, 1976) sets out penalties for offences in relation to CITES species.

Responsibility for C.I.T.E.S. matters was transferred from the Minister for Arts, Heritage, Gaeltacht and the Islands to the Minister for the Environment and Local Government under S.I. No 365 of 2002 of 10 July 2002 and the Minister's title was changed to the Minister for the Environment, Heritage and Local Government in 2003.

II. Management Authority

The Minister for the Environment, Heritage and Local Government is designated, for the purposes of paragraph 1(a) of Article 13 of Council Regulation (EC) No. 338/97 as the management authority with primary responsibility in relation to that Regulation.

The duties and functions of Management Authority for Ireland are discharged on behalf of the Minister by the National Parks and Wildlife Service of the Department.

Contact details for the Management Authority are as follows:

Mr. Chris O'Grady

Director

National Parks and Wildlife Service

Environment Infrastructure and Services Division

Department of the Environment, Heritage and Local Government

7 Ely Place

Dublin 2

Telephone no. +353 1 6472428

Peregrine falcons taken from the wild under licence must be microchipped as a condition of the licence. Applications for permits and certificates are referred either to staff in the research area of the Department or to local conservation management for recommendation. There is regular and ongoing consultation with the C.I.T.E.S. Scientific Authority. Given that trade in Ireland is small we do not hold records of captive breeding commercial facilities however visits to breeders of birds of prey may be made by Conservation Rangers in the normal course of their duties. It is not possible to fully quantify the ratio of time spent on CITES activities. One officer in our Dublin office expends 25% of her time on C.I.T.E.S. duties. The enforcement of C.I.T.E.S. is carried out by our countrywide Conservation staff in conjunction with other duties to enforce and implement wildlife legislation in Ireland.

III. Scientific Authorities

The Research Branch of National Parks and Wildlife Service of the Department of the Environment, Heritage and Local Government is designated as the Scientific Authority for the purposes of the Convention and provides advice on applications for permits and certificates. Dr. Alan Craig has overall responsibility for the work of the Research Branch.

Contact details for the Scientific Authority are as follows:

Dr Alan Craig

Director

National Parks and Wildlife Service

Environment Infrastructure and Services Division

Department of the Environment Heritage and Local Government

7 Ely Place

Dublin 2.

Telephone no. +353 1 6472401

A member of the Scientific Authority attends meetings of the C.I.T.E.S. Scientific Review Group in Brussels.

IV. Customs

The Wildlife (Import and Export of Fauna and Flora (Designation of Ports and Airports) Regulations 2001 designate ports and airports of entry and exit for trade with third countries in CITES specimens. The entry ports were decided after consultation with Customs and Excise and the Department of Agriculture Food & Rural Development. The ports and airports of entry and exit for CITES species to and from 3'd countries are : Dublin Airport, Shannon Airport, Cork Airport, Dublin Port, Cork Port, Drogheda Port, Foynes Port, Greenore Port, Limerick Port and Wicklow Port.

Live animals may be imported and exported from and to third countries through Dublin Airport.

Live plants may be imported and exported from and to third countries through Cork Port, Dublin Port, Cork Airport, Dublin Airport and Shannon Airport.

Customs have provided a list of contact names of Officers available to deal with CITES matters at each of the points of entry and exit.

Customs & Excise staff monitor the operation of CITES permits at points of entry and an agreement has been made with Customs that they will forward permits to the appropriate authority.

Seized specimens are either sent to one of the designated rescue centres i.e. Dublin Zoo or the National Botanic Gardens, or destroyed. In some cases specimens such as whole skins of animals might be offered to the Natural History Division of the National Museum in Dublin for inclusion in its collection.

Contact is made on a case-by-case basis with both the National Parks and Wildlife Service and international customs.

Customs maintains a Customs Enforcement database.

V. Other Units of Control

Conservation rangers of the Department of the Environment, Heritage and Local Government are authorised to investigate offences under CITES as are the Garda Siochana. Customs & Excise officers may also investigate offences under the Customs Acts.

VI. Training Activities

A two-day training seminar was held in October 2002 and was attended by 70 Conservation Rangers and Customs and Excise Officers. This seminar provided basic training in C.I.T.E.S. regulations and procedures and included presentations by international experts.

Mr Charles McKay from HM Customs & Excise, London gave presentations on the Green Parrot Project -CITES Identification Programme for species and on the work of the Customs CITES team at Heathrow Airport.

Dr. Colman O Criodain of the EU Commission gave a presentation on the implementation of CITES within the EU.

VII. Infringements and Legal Actions

The Zoological Society of Ireland, Phoenix Park, Dublin 8 is the Irish rescue centre for animals. The National Botanic Gardens, Glasnevin, Dublin 9 is the Irish rescue centre for plants. In 2002 one prosecution was taken against an individual for offences in relation to the use of Annex A specimens for commercial purposes without the appropriate certificates. The specimens concerned i.e. a ring tailed lemur and 2 barn owls were confiscated. The ring tailed lemur was sent to initially to Fota Wildlife Park where there is a lemur breeding programme however attempts to integrate it socially with other animals were unsuccessful. It was eventually sent to a private animal keeper in Northern Ireland on a non-commercial loan basis.

The barn owls were sent to Dublin Zoo which is the designated rescue centre for animals. One brown bear skin (*ursus arctos*) Annex A was seized at Shannon airport from a passenger travelling from Russia. The passenger did not hold the appropriate permits. The bear skin was offered to the Natural History Museum, Dublin for inclusion in its collection. A number of Seahorses were seized at Shannon Airport as no import notification was produced. A report was received regarding the sale of pre-convention rhino horns by a firm of auctioneers without the appropriate certification. A letter issued to the Institute of Auctioneers and Valuers in Ireland requesting that they advise their members of the provisions of C.I.T.E.S. and the consequences of any failure to comply with the regulations.

VIII. Permits and Certificates

Licensing and Species Protection Unit of the Department of the Environment, Heritage and Local Government issues permits and certificates as prescribed under Commission Regulation (EC) No. 1808/2001. On average between 40 and 50 permits and certificates are issued annually.

Permits normally issue within the time limit specified on receipt of a full application including any documentation from other Management Authorities. Applications for permits and certificates are referred to the Scientific Authority or to local conservation management who advise whether permits and certificates should issue or be refused. Permits and certificates are issued free of charge. There is no electronic system for issuing permits and certificates.

Records of permits and certificates issued are held on a spreadsheet. Details of permit number, name and address of the applicant, importer, exporter, species involved, date of receipt of application and date of issue of permit are included on the spreadsheet.

IX. Communication

A C.I.T.E.S. information leaflet is currently being prepared and supplies of the leaflet will be issued to Conservation Rangers for distribution throughout the country. The leaflets will also be distributed to the travel industry to members of the public at various outlets including Zoos, the National Botanic Gardens and heritage sites. The purpose of the leaflet is to raise awareness among members of the public particularly those travelling to third countries on holiday who may not be aware that trade in certain items may be prohibited or that some items may require export or import permits.

A proposal is being considered for the production of a poster for display at airports, ferryports and visitor centres throughout the country.

There are two display cases containing C.I.T.E.S. material at Dublin Airport passenger terminal which are maintained by the National Parks and Wildlife Service.

The Departmental website is currently being updated to include information on C.I.T.E.S. matters.

An article on C.I.T.E.S. by Sarah Ferriss of the KJCN was printed in the January-February 2003 issue of "Wild Ireland" - a wildlife and environmental magazine. The article contained information on how C.I.T.E.S. regulates wildlife trade and a brief report on the 12th Conference of the parties. Details of import, export, re-export permits and certificates issued under article 10 are included in Ireland's Annual Report. The table below shows the number of documents issued from 1 June 2001 to 31 May 2003.

X. Attendance & Participation at EU Wildlife Trade Regulations Meetings

Ireland is represented on the EU Management, Scientific and Enforcement committees for CITES and meetings are attended by at least one member of staff of the Department of the Environment, Heritage and Local Government.

Meetings of the Committee are attended by a representative of the Management Authority.

Meetings of the Scientific Review Group are attended by one member of Research Branch of the National Parks and Wildlife Service.

Meetings of the Enforcement Group are attended by a member of conservation management who has experience in CITES enforcement.

2 delegates representing Ireland attended the 12th Conference of the Parties in Santiago in November 2002.

ITALY

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BIENNIAL REPORT OF ITALY 2001-2002

**In accordance with
article 15.4 (c) of Council Regulation (EC) 338/97
and article VIII (7) (b) of CITES**

Ministry of Environment
Nature Conservation Service

Ministry of Agricultural and Forestry Policies
State's Forest Corps
CITES Service

June 2003



I. LEGISLATIVE MEASURES

1 & 2. National Legislation adopted to implement the Regulations and to ensure the imposition of sanctions

Note: **in bold** legislation adopted in the period covered by this report

Law of 7 February 1992, No 150: “*Provisions on offences regarding the implementation in Italy of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, signed in Washington on 7 March 1973, ratified in Law 19 December 1975, No. 874, and Regulation (EEC) No. 3626/82 as amended, and also rules on trade and keeping of live specimens of mammals and reptiles which may endanger public health and security*”, integrated with Law by decree 12 May 1993, No. 2, turned, as amended, to Law 13 March 1993, No. 59, and with Law 9 December 1998, No. 426 **and with Law-decree 18 May 2001, No. 275.**

Available in Italian on the Ministry of Environment and Land Protection Website: www.minambiente.it/Sito/settori_azione/scn/home_scn.asp and on the State’s Forest Corps Website: www.corpoforestale.it/cites/ in the “archivio->normativa” section

Summary:

The law provides for:

- Sanctions for illegal possession and trade and transit of CITES specimens listed in the Appendix I of the Convention and in the Annex A of the EU Regulation No. 338/97, including also sanctions for trade of personal effects and household goods following the provisions of article 16 of EU Regulation No. 338/97.
- Sanctions for illegal possession and trade of specimens listed in Annexes B and C of EU Regulation No. 338/97, including also sanctions for trade of personal effects and household goods following the provisions of article 16 of EU Regulation No. 338/97. (Art.2);
- Enforceability of the Italian Penal Code provisions regarding forged documents to the offences related to falsified and altered permits and certificates (art. 3bis);
- Obligatory confiscation of specimens to prosecute infringements to articles 1 and 2 above, and on the advice of the Scientific Authority (art. 4);
 - return to the exporting Country, at the expense of the convicted person
 - housing in a public or private rescue centre, in Italy or abroad
 - just for specimens listed in the Annexes B and C, sale by auction, provided that they will not be destined to the convicted person ;
- Obligatory marking of specimens listed in Annex A, pursuant international standards and implementing EU Regulations 338/97 and 1808/2001 (art. 5) ;

- Obligatory registration of death and removal from original housing of specimens listed in Annex A (art. 5);
- Control, by the Management Authority, of veracity of the origin countries permits for specimens listed in Annexes B and C (art. 5);
- Endorsement, by the Management Authority, of all export/import permits and import/ (re)export certificates for specimens listed in the Annexes B and C (art. 5);
- Establishment of a national Register for possession of fauna and flora specimens listed in the Annexes A,B and C of EU Regulation 338/97 (art. 5) see Ministerial Decree 8 January 2002: *“Establishment of the Register for detention of fauna and flora species”*;
- Exemption for trade of personal effects and household goods derivatives of wild species (art. 5bis);
- Exemption for scientific and research institutions registered under the provisions of art. VII , par. 6 of the CITES (art. 5bis); see Ministerial Decree 23 March 1994 *“Establishment of the Register of scientific institutions according to art. VII, par. 6 of the Convention on international trade in endangered species of wild fauna and flora (CITES) (art. 5bis);*
- Certification at customs of all live animals of species listed in Annexes A and B of EU Reg. 338/97 imported and of all dead animals during the transport (art. 5ter) ; see Ministerial Decree 18 February 1994 *“Methods and criteria to monitor the mortality of live animals of species listed in the Annex A, Appendices I and II of EEC Regulation 3626/82, as amended, during international transport”*;
- Prohibition of and sanctions for possession of wild and captive-bred live mammals and reptiles, which may endanger public health and security (art. 6). Exemptions are allowed only to specific categories:
 - **zoos, protected areas, national parks, aquaria and dolphinaria**, obtained the advice of the Scientific Authority they respond to previously established criteria for housing; See also Ministerial decree 19 April 1996, as emended, which title is *“List of animal species which may endanger public health and security, whose detention is prohibited”*.
 - **Circus and permanent/travelling exhibitions**, authorized by the Prefect of Police, competent in the area, pursuant housing criteria specifically established by the Scientific Authority. See also Ministerial decree 19 April 1996, as emended, which title is *“List of animal species which may endanger public health and security, whose possession is prohibited”*.
- Sharing with other competent Authorities a methodology for controls in Customs areas (art. 8); See Ministerial decree 4 September 1992 *“Methodology for controls in Customs areas, implementing art. 8, par. 2 of Law 7 February 1992, No. 150, regarding the implementation in Italy of the Washington Convention of 3 March 1973”*.
- Obligatory declaration of captivity birth or artificial propagation of all specimens included in Annexes A and B of EU Regulation 338/97 as amended, within 10 days

from the event, to verify the parental relationship in familiar groups declared by the breeder, also using genetic analyses.(art.8bis)

- Inventory and marking, pursuant Res. Conf. 8.14, now repealed by Res. Conf.11.12, of all stocks of whole skins, raw or finished, of species belonging to the order *Crocodylia*; payment of marking fees (art. 8ter); see also Ministerial Decree of 28 January 1994 “*Inventory and marking of whole skins, raw or finished, of species belonging to the order Crocodylia*” and Ministerial Decree 28 May 1993 “*Establishment of special fees, according to art. 8quinquies of the Law 150/92 as amended*”;
- Payment of the CITES Trust Fund (art. 8quater)
- Establishment of special fees to be paid by the applicant for issuing of permits/certificates/declarations/authorizations etc.(art. 8quinquies);
- Setting up and operation of specific teams of the States’ Forest Corps for control activities at CITES customs (art. 8quinquies). See also Ministerial decree 4 September 1992 “*Methodology for controls in Customs areas, implementing art. 8, par. 2 of Law 7 February 1992, No. 150, regarding the enforcement of the Washington Convention 3 March 1973 in Italy*”,
- Conservation of confiscated specimens, according to Art. 4, by the State’s Forest Corps (Art. 8quinquies)
- Implementing art.5, marking of specimens by the State’s Forest Corps (art. 8quinquies);
- Meaning of various definitions used in the present Law (art.8sexies).

Title: Law-Decree 18 may 2001, n. 275: “Reorganisation of sanctions system for trade of animal and plants species, according to art. 5 of Law 21 December 1999, No. 526.

Summary: The decree provides for some amendments to the Law 7 February 1992 No. 150 to include all the provisions of article 16 of EU Regulation 338/97. Furthermore, it provides sanctions for infringements to the Regulation (CEE) No. 3254/91 of 4 November 1991, as amended, on import of animal furs or other derivatives of animal furs included in the Annex II of the same regulation..

Title: Law-decree 6 december 2001, n. 287, art.3 letter a) “Amendment of art. 35 of the Decree by Law30 July 1999, No. 300”

Summary: The decree specifies the role of the Ministry of Environment and Land Protection as the main management authority for implementation of CITES and the relevant EU Regulations.

Implementation decrees:

Title : Decree of the Minister of Environment 4 september 1992 “*Methodology for controls in Customs areas, implementing art. 8, par. 2 of Law 7 February 1992, No. 150, regarding the enforcement of the Washington Convention in Italy*”

Available in Italian in the Ministry of Environment and Land Protection Web Site:

www.minambiente.it/Sito/settori_azione/scn/home_scn.asp and on the State’s Forest Corps Website: www.corpoforestale.it/cites/ in the “archivio->normativa” section.

Summary: The Decree provides methods and procedures to be adopted for the control operations at Customs on import (re)export, transit and transshipment of CITES specimens;

Title : Decree of the Minister of Environment 27 april 1993: “*Establishment at the Ministry of Environment of the Scientific Authority (Commission) for the implementation of the Washington Convention on international trade in endangered species of wild fauna and flora*”

Available in Italian in the Web Site of the Ministry of Environment and Land Protection:

www.minambiente.it/Sito/settori_azione/scn/home_scn.asp

Summary: The decree provides the composition and competences of the Commission.

Title : Decree of the Minister of Environment 28 may 1993 “*Establishment of special fees to be paid according to art. 8-quinquies of the Law 7 February 1992, No. 150.*”

Available in Italian in the Ministry of Environment and Land Protection Web Site: www.minambiente.it/Sito/settori_azione/scn/home_scn.asp and in the State’s Forest Corps Website: www.corpoforestale.it/cites/ in the archivio->normativa section

Summary: The decree provides the list and the amounts of all fees to be paid by the applicants when requesting permits, certificates, declarations, authorizations etc. regarding CITES specimens to the Management Authority.

Title: Decree of the Minister of Environment 28 january 1994: “*Inventory and marking of whole skins, raw or processed, of Crocodylia order, according to art. 8 ter of Law 7 February 1992, No. 150*”

.Available in Italian in the Ministry of Environment and Land Protection Web Site:

www.minambiente.it/Sito/settori_azione/scn/home_scn.asp

Summary: The Decree provides methods and procedures for marking whole skins of species belonging to the order *Crocodylia*.

Title: Decree of the Minister of Environment 18 february 1994 “*Methods and criteria for monitoring mortality during international transport of live animals of species in Annex A, Appendices I and II, of EEC Regulation 3626 of 3 December 1992, as amended*”

Available in Italian in the Ministry of Environment and Land Protection Web Site:

www.minambiente.it/Sito/settori_azione/scn/home_scn.asp

Summary: The Decree designates responsible Authorities and procedures for monitoring mortality in shipments of live animal at the point of introduction and provides methods of inspection and registration of data to be sent yearly to the CITES Secretariat.

Title: Decree of the Minister of Environment 23 march 1994: “ *Establishment of the register of scientific institutions according to Art. VII, par. 6 of CITES*”

Available in Italian in the Ministry of Environment and Land Protection Web Site:

www.minambiente.it/Sito/settori_azione/scn/home_scn.asp and in the State’s Forest Corps Website: www.corpoforestale.it/cites/ in the archivio->normativa section

Summary: The Decree establishes the register and defines criteria to be met by the institutions to be registered according to Article VII par. 6 of CITES in order to exchange CITES specimens with other registered institutions. It provides application and operation procedures as well.

Title: Decree of the Minister of Environment 19 april 1996 “*List of animal species which may endanger public health and security, whose possession is prohibited*” (As amended by the Ministerial Decree of 26 April 2001)

Available in Italian in the Ministry of Environment and Land Protection Web Site:

www.minambiente.it/Sito/settori_azione/scn/home_scn.asp and in the State’s Forest Corps Website: www.corpoforestale.it/cites/ in the archivio->normativa section

Summary: The decree provides the list of all live specimens of wild or captive-bred mammals and reptiles which may endanger public health and security, according to the Law 7 February 1992 No. 150.

Title: Decree of the Minister of Environment 26 april 2001: “*Provisions for captive housing of dolphins of the species *Tursiops truncatus**.”

Summary: The Regulation provides for a list of specific criteria to be met in housing of dolphins of species *Tursiops truncatus* in captivity, with references to education, captivity breeding, housing, comfort, welfare, food and feeding, health care, equipment of pools, handling and training, transport and removal of dolphins, personnel, data collection.

Title: Decree of the Minister of Environment 8 January 2002 “Establishment of the register for possession of fauna and flora species”

Following the decree an explanatory circular n. 2002/1500 of 25 January 2002 has been enacted .

Available in Italian in the State’s Forest Corps Website: www.corpoforestale.it/cites/ in the **archivio->normativa** section

Summary: The decree, according to the Law 9 December 1998, No. 426, provides for the setting up of a national register of all live or dead specimens of species of fauna and flora, included in the Annexes A and B of the EU Regulation 338/97 as amended, excluding the specimens of artificially propagated plants according to art. 26 of the EU Regulation 1808/2001, included in the Annex B of the above EU Regulation 338/97. It furthermore states which categories are bound to fill in the register and which are exempted, giving directions on how to operate in such activity.

Title: Decision of the Director of the Customs Agency 6 May 2002 n.5987 “Location of import/export operations regarding CITES species at specific Customs offices.

Available in Italian in the State’s Forest Corps Website: www.corpoforestale.it/cites/ in the **archivio->normativa** section

Summary: The Decision designates, through two separate lists, the Customs offices to whom all import/ (re)export operations regarding CITES specimens have to be addressed: one of the two is listing Customs offices specifically competent for timber specimens.

II. MANAGEMENT AUTHORITY (MA)

3. Designation of Management authority(ies): information on principal MA and – where appropriate – on additional MA(s): Art. 13.1 (a) (338/97).

During the period covered by this report, as reported in the previous chapter , a law- decree has been enacted which specify the role of the Ministry of Environment and Land Protection as the main management authority for implementation of CITES and the relevant EU Regulations.

At the Minister of Environment and Land Protection, Division V is responsible for CITES and EU regulations implementation and for the co-ordination of Other Management Authorities. There are two full time staff , three part time staff and one member of the Technical secretariat of the Ministry as expert.

other competent Authorities are:

Ministry of Agricultural and Forestry Policies – State’s Forest Corps - CITES Service- for certifications and enforcement of national laws and EU Regulations;
<http://www.corpoforestale.it/cites/>

Table 1. Ratio of staff capacity (e.g. hours / month) to number of permit applications/month of the CITES Service of State’s Forest Corps

2001			
<i>Personnel Units</i>	<i>Months</i>	<i>Number of permit applications</i>	<i>%</i>
239	12	27.818	0,86*
2002			
<i>Personnel Units</i>	<i>Months</i>	<i>Number of permit applications</i>	<i>%</i>
239	12	26.893	0,88*

* *Personnel Units*100/ Number of permit applications*

Table 2. Staff Activities of the CITES Service of State’s Forest Corps

Activity %	2001	
	Units at customs	Units on Territory
Processing permit application	15%	35%
Providing advise to traders/general public	15%	15%
Attending meetings / Professional trainer	5%	5%
Preparing reports	5%	5%
Enforcement activity	55%	30%
Others	5%	10%

Activity %	2002	
	Units at customs	Units on Territory
Processing permit application	10%	35%
Providing advise to traders/general public	15%	15%

Attending meetings / Professional trainer	15%	15%
Preparing reports	5%	5%
Enforcement activity	60%	30%
Others	5%	10%

Ministry of Productive Activities - Import-Export Department , for the issuance of import-export licenses.

2001- Two full time staff

2002- Four full time staff

The designated Scientific Authority is the CITES Scientific Committee, a Committee with members from universities and other scientific institutions. The Ministry of Environment made available a permanent Secretariat to this Committee.

4. Procedures adopted to establish the ancestry of captive-bred animals: Art. 25 (1808/2001)

In November 2002, Italy adopted a simplified “procedure to identify animals and plants specimens originating from captive breeding and artificial propagation, included in the Annexes A and B of the Regulation (EC) 338/97”. This procedure has been sent to all the offices of the State’s Forest Corps involved issuance of permits/certificates and in enforcement activities and to the Scientific Authority and is at present operating to guarantee that the breeding stock was established in accordance with the provisions of art. 24 (b) of the Regulation (EC) 1808/01 and with the provisions of art. 8 (1) of the Law 7 February 1992 No. 150, that states that “*all specimens included in Annexes A and B, captivity born or propagated, have to be declared by the breeder within 10 days from their birth*”.

The procedure provides for compilation of a form, which contains exhaustive data, including marking methods. Exemption is allowed to commonly captive-bred specimens.

5. Procedures adopted for marking specimens in compliance with Article 36 (1808/2001), e.g. methods approved for different species, including birds and other vertebrates

The State’s Forest Corps, one of the Management Authorities, after the declaration of birth of new specimen of CITES species in captivity, carries out an inspection in the premises of the breeder to verify the presence of markings or to apply them in their absence implementing the provisions of relevant EU Regulations.

Moreover, the following provisions are in the draft stage: marking of caviar containers and photo-identification of tortoises

Marking of crocodilian (Order Crocodylia) skins

Since 1st January 1999 Italy implemented art. 35 and 36 of Reg. (EC)338/97 in order to mark Crocodile’ skins destined to be re-exported. CITES Service of the State’s Forest Corps used tags in accordance with Ris.Conf. 9.22 in which is written CITES-CFS-ITALIA followed by a progressive number. The number must be present also in the certificate accompanying the specimen(s).

The firms willing to re-export whole skins and/or sides of specimens of the order *Crocodylia* from which the original tags have been removed, request the re-export certificate and the relative tags directly to the territorially relevant CITES Certification Service, delivering, if possible, the tags broken or removed during the processing phases. This peripheral office requires to the CITES Service of Rome the necessary tags and, subsequently, deliver them to the applicants, for the following application to the skins and/or sides, jointly to the re-export certificate on which the new tags numbers are indicated.

III. SCIENTIFIC AUTHORITIES

6. Designation of SA: information on SA(s), contact details and legal status (e.g. fully recognized legal body or committee of experts): art. 13.2 (338/97).

The designated Scientific Authority is the CITES Scientific Committee, a Committee with members from universities and other scientific institutions. The Ministry of Environment made available a permanent Secretariat to this Committee.

Contribution to meetings at national, EU and International level

During 2001 and 2002 Italy actively participated, giving scientific and technical support, to the following European and International meetings concerning CITES and EC Regulations:

- 19 SRG, Bruxelles, 26 March 2001
- 20 SRG, Bruxelles, 18 July 2001
- I° European Regional Meeting Animal Committee, Bonn, 12-16 November 2001
- 21 SRG, Bruxelles, 28 November 2001
- 22 SRG, Bruxelles, 2 April 2002
- 23 SRG, Bruxelles, 15 May 2002
- 12° Plants Committee Leiden 13-17 May 2002
- EXP (SRG+Com), Bruxelles, 16 May 2002
- 24 SRG, Bruxelles, 5 September 2002
- COP XII Santiago, Chile 3-12 November 2002
- 17° Animal Committee, 30 July-3 August 2002, Hanoi, Vietnam

During the biennium 2001-2002 Italy organized the following International meeting at International level:

“The use of forensic analyses for CITES enforcement in Europe: current projects and perspectives”
- Sabaudia (Latina) 21-23 may 2002

and the Secretary of the Scientific Authority produced a presentation entitled “The Italian Scientific Authority and its role in the Application of art. 24 of the EU Reg. 1808/01”.

During the SRG 19 the Scientific Authority presented the doc. SRG19/INF.3 “*Trachemys scripta elegans*” in Italy (species included in the Annex B of the EU Regulation 338/97” prepared by Dr. Massimo Capula (Museum Zoology of Rome) with regard to the naturalization of this species in the Italian Peninsula. On the basis of the data reported the Scientific Authority proposed the discussion of measures for the import into the EU of all the subspecies of *Trachemys scripta* (i.e. *T. s. elegans*, *T.s. scripta*, *T. s. troostii*, *T.s. gaigeae*, *T. s. cataspila*, *T. s. venusta*, *T. s. taylori*, *T. s. yaquia*, *T. s. hiltoni*, *T. s. nebulosa*, *T. s. ornate*, *T. s. grayi*, *T. s. callirostris*, *T. s. chichiriviche*), and of the North American freshwater turtles, with ecological affinities to *Trachemys scripta*, (*Pseudemys concinna*, *P. floridana*, *Chrysemys picta*, *Graptemys* spp.) as possible dangerous invasive species.

Volunteers or paid experts/employees for CITES issues

Italian Ministry of Environment and Territory Protection works with a staff of experts to support the Italian CITES Scientific Authority. These experts are designated by an agreement with the following environmental associations: Italian Office of TRAFFIC Europe, and Ekoclub International. The associations have appointed five experts with technical-scientific task and three with administrative task.

The main activities of these experts are the preparation of documentation on import/export applications; meetings at National, European and International level; follow-up of international Decisions, Resolutions and communications; contacts with others Italian CITES Authorities.

Ratio of hours/months versus no. of permit applications

The Scientific Authority meets monthly but there is a permanent Secretary Office constituted of five scientific experts, three staff with administrative tasks and a co-ordinator that prepare proceedings. The ratio is around 90 applications for month.

Application request presented to Scientific Authority

During the biennium 2001-2002 the Scientific Authority discussed 1072 applications: details as follows:

Application Request	<i>2001</i>	2002	Total
<i>General request presented by Management Authority</i>			22
<i>Import Annex 1 / 2</i>	365	294	659
Movement	9	8	17
Export	11	13	24

Captive Breeding Annex 1	105	70	175
Definitive entrustment of confiscated specimens	42	79	121
Temporary entrustment of confiscated specimens		1	1
Application under Art. 6 of National Law 150/92	19	34	53

IV. CUSTOMS

7. Designation of customs offices for introduction and (re)export: Art. 12.1 (338/97) and Art. 12.4 (338/97).

Since 1992, with the entry into force of the Law 150 and subsequent implementation Decrees, there has been the creation of designated ports of entry with exclusive qualification to CITES trade and, in each of this customs offices there are specialised CITES Operative Units of the State's Forest Corps to collaborate with the Customs officers in the inspections of CITES specimens. This organization was innovative and came into force five years before the EC Regulation 338/97.

Moreover, although the trend at international level (*Schengen Agreement, Convention of Kyoto on the harmonisation and facilitation of the customs procedures*) is to get a management totally computerised of the commercial movements and a total liberalisation of the commerce, with a progressive reduction of the physical inspections of the (re)exports and imports, the provisions of CITES and of the EU Regulations provide for the contrary.

Therefore, it is essential for Italy to maintain and develop an adequate control system for trade of wild fauna and flora. For this purpose an operation plan, involving all national qualified Administrations, has been settled, with the publication of an operative manual for Custom's personnel and State's Forest Corps CITES Operative Units, dealing with specific control procedures to be followed for CITES specimens, identification of possible illegal CITES actions, in order to be inserted in the Customs Control System network and to develop an effective co-operation among Customs personnel and State's Forest Corps staff.

During 2002, Ministry of Environment, State's Forest Corps – CITES Service and Customs Agency carried out the *Operative Manual on procedures* to control CITES specimens at the point of import and (re)export according to CITES and the related EC Regulations, and since July 2002 it has been distributed to all the personnel in charge of CITES controls. The Manual updated an earlier version of 1995 and completely implemented and harmonised the procedures provided by EU Regulations and national legislation implementing CITES disposals. This has been a major achievement of the Management Authorities in full co-operation with the Customs Agency.

With the Directorial Determination nr.5987 of Customs Agency dated 6 May 2002 the designated ports of entry for trade in CITES specimens have been indicated in a detailed

manner with the references of the kind of Customs and of the correspondent CITES Operative Units as shown below (also available in the State's Forest Corps Website at www.corpoforestale.it):

TABLE 3 .LIST OF THE CUSTOMS OFFICES DESIGNATED FOR THE OPERATIONS OF IMPORT/EXPORT AND RE-EXPORT OF SPECIMENS OF WILD FAUNA AND FLORA INCLUDED IN THE EU REGULATIONS.

(Directorial Determination nr.5987 of Customs Agency dated 6 May 2002)

DESIGNATED CUSTOMS OFFICES	Prov.	TYPE OF DESIGNATED CUSTOMS OFFICE	CITES OPERATIVE UNITS	
				ADDRESS
Ancona	AN	Dogana principale e sezioni dipendenti	Ancona	Aeroporto Falconara
Bari	BA	Dogana principale e sezioni dipendenti	Bari	Porto di Bari
Bologna	BO	Dogana principale e sezioni dipendenti	Bologna	Aeroporto G.Marconi
Pisa	PI	Dogana principale e sezioni dipendenti	Pisa	Aeroporto Galilei Galilei
Genova	GE	Dogana principale e sezioni dipendenti	Genova	Porto di Genova
Genova II (Aeroporto C.Colombo)	GE	Dogana secondaria	Genova	Porto di Genova
Milano	MI	Dogana principale e sezioni dipendenti	Segrate	Aeroporto Milano Linate
Segrate (Aeroporto Linate)	MI	Dogana principale e sezioni dipendenti	Segrate	Aeroporto Milano Linate
Somma Lombardo (Aeroporto Malpensa)	VA	Dogana principale e sezioni dipendenti	Somma Lombardo	Aeroporto Malpensa
Chiasso	CO	Dogana principale	Ponte Chiasso	Dogana Comm.le di Ponte Chiasso
Ponte Chiasso	CO	Dogana secondaria e sezioni dipendenti	Ponte Chiasso	Dogana Comm.le di Ponte Chiasso
Napoli	NA	Dogana principale e sezioni dipendenti	Napoli	Porto di Napoli
Napoli Terra	NA	Dogana principale e sezioni dipendenti	Napoli	Aeroporto Capodichino

Napoli II	NA	Dogana secondaria	Napoli	Aeroporto Capodichino
Salerno	SA	Dogana principale e sezioni dipendenti	Salerno	Porto di Salerno
Palermo	PA	Dogana principale e sezioni dipendenti	Palermo	Porto di Palermo
Termini Imerese	PA	Dogana secondaria	Palermo	Porto di Palermo
Catania	CT	Dogana principale e sezioni dipendenti	Catania	Aeroporto Fontanarossa
Aeroporto Fontanarossa	CT	Dogana secondaria	Catania	Aeroporto Fontanarossa
Roma II (Aeroporto Fiumicino)	RM	Dogana principale e sezioni dipendenti	Fiumicino	Aeroporto Leonardo da Vinci
Ciampino (Aeroporto)	RM	Dogana principale e sezioni dipendenti	Fiumicino	Aeroporto Leonardo da Vinci
Torino	TO	Dogana principale e sezioni dipendenti	Torino	Aeroporto "Città di Torino"
Caselle Torinese	TO	Dogana secondaria	Torino	Aeroporto "Città di Torino"
Alessandria	AL	Dogana principale e sezioni dipendenti	Alessandria	Dogana Comm.le Alessandria
Trieste	TS	Dogana principale e sezioni dipendenti	Trieste	Porto di Trieste
Ferneti	TS	Dogana secondaria e sezioni dipendenti	Trieste	Porto di Trieste
Gorizia	GO	Dogana principale e sezioni dipendenti	Trieste	Porto di Trieste
VENEZIA II (Aeroporto Tessera)	VE	Dogana secondaria	Venezia	Aeroporto Marco Polo
Verona	VR	Dogana principale e sezioni dipendenti	Verona	Aeroporto Catullo

TABLE 4. DESIGNATED CUSTOMS OFFICES ONLY FOR TIMBER SPECIMENS LISTED IN THE EU REGULATIONS

DESIGNATED CUSTOMS OFFICES	Prov.	TYPE OF CUSTOMS OFFICE	CITES OPERATIVE UNITS	
				ADDRESS
La Spezia	SP	Dogana principale e sezioni dipendenti	Genova	Porto di Genova
Livorno	LI	Dogana principale	Pisa	Aeroporto Civile Galileo Galilei
Monfalcone	GO	Principale	Trieste	Dogana Comm.le Punto Franco Vecchio

Ortona a Mare	CH	Dogana principale e sezioni dipendenti	S.C.C. Pescara	Pescara
Ravenna San Vitale	RA	Sezione	Bologna	Aeroporto G. Marconi
Ravenna Setramar	RA	Sezione	Bologna	Aeroporto G. Marconi
Savona	GE	Dogana principale e sezioni dipendenti	Genova	Porto di Genova
Venezia Porto Marghera	VE	Sezione	Venezia	Aeroporto Marco Polo

TABLE 5. PERSONNEL OF STATE FOREST' CORPS CITES OPERATIVE UNITS PRESENT AT EACH DESIGNATED CUSTOMS OFFICE.

	<i>CITES Operative Units</i>	<i>Personnel (units)</i>
1.	ALESSANDRIA	4
2.	ANCONA	3
3.	BARI	10
4.	BOLOGNA	5
5.	CATANIA	7
6.	FIUMICINO	13
7.	GENOVA	5
8.	NAPOLI	4
9.	NAPOLI Capodichino	4
10.	PALERMO	10
11.	PALERMO P.TA RAISI	3
12.	PISA	4
13.	PONTECHIASSO	4
14.	SALERNO	6
15.	SEGRATE	5
16.	SOMMALOMBARDO	6
17.	TORINO CASELLE	5
18.	TRIESTE	8
19.	VENEZIA	4
20.	VERONA	5
	total	115

8. Procedures for completing the CITES documents accompanying shipments/specimens: Art. 12, 14 and 17 (1808/2001).

As indicated in the relevant points above, the personnel of the CITES Operative Units of the State's Forest Corps that are present in the designated points of introduction carries out all the activity related to the physical and documents inspections of the shipments of the specimens included in the EU Regulations, collaborating with the Customs Authority in filling box 27. Through the computerised system or issuance of permits and certificates it is possible to check if box 27 has been properly filled.

Missing the filling of the box 27 could be ascribed to the non use of the permits or to the use of them in a non appropriate way. In the last case the relevant infringements to the provisions of the national legislation are filed to the judicial Authority.

9. Procedures for forwarding documents to the MA: Art. 19.1 (1808/2001).

The procedures foreseen in the EU Regulation have been included in the Customs Operational Manual (see point 7). Moreover as reported above, the fact that CITES Operative Units of the State’s Forest Corps are present at the points of introduction makes possible to assure the compliance of the relevant articles of EU Regulations and national legislation

10. Procedures for seizure of specimens in case of infringement(s): Art. 16.1 & 2 (338/97) and possible automatic confiscation.

According to the national legislation every import and (re)export without the required permits or certificates is sanctioned and the seizures of the specimens is provided. Moreover Law 150/92 provides for compulsory confiscation. The State Forest’ Corps Operative Units record the CITES infractions in a specific database, dedicated to CITES infringements that has been implemented since 31/12/2001. Data related to number of seizures, confiscation, fines, value of shipment, number of specimens seized with the indication of the species and common names, Appendix and Annex, origin, provenance, airwaybill and other commercial info are available. Furthermore, all data referred to CITES infractions of penal relevance is anyway inserted into a national database (S.D.I.) of the Police Authorities.

The following Table reports, respectively, the data related to the rate of No. CITES seizures/CITES reported infractions/year versus No. permit applications/year; No. CITES confiscation/year versus No. CITES seizures/reported infractions/year –distinguished by airports, ports and others; for three main customs offices in term of CITES trade: No. CITES seizures/year.

Table 6. No. CITES seizures/ CITES reported infractions/year versus No. permit applications/year

CITES Operative Units of State’s Forest Corps		
	<i>2001</i>	<i>2002</i>
<i>Seizures -reported infractions (n°)</i>	<i>642</i>	<i>263</i>
<i>Permit applications (n°)</i>	<i>26.893</i>	<i>27.818</i>
Rate % <i>* Seizures-reported infractions*100/ Permit applications</i>	<i>2,39*</i>	<i>0,95*</i>

Table 7. No. CITES confiscation/year versus No. CITES seizures/ CITES reported infractions/year –distinguish airports, ports and others

CITES Operative Units of State’s Forest Corps
<i>2001</i>

	<i>Confiscations (n°)</i>	<i>Seizures (n°)</i>	<i>%♦</i>	<i>Confiscated Specimens (n°)</i>	<i>Seized Specimens (n°)</i>	<i>%♦♦</i>
<i>Airports</i>	24	540		173	19.496	
<i>Ports</i>	0	99		0	716	
<i>Others</i>	2	3		4	386	
<i>Total</i>	26	642		177	20.598	

♦ *Confiscations*100/ Seizures* - ♦♦ *Confiscations Specimens *100/ Seizures Specimens*

2002						
	<i>Confiscations (n°)</i>	<i>Seizures (n°)</i>	<i>%♦</i>	<i>Confiscated Specimens (n°)</i>	<i>Seized Specimens (n°)</i>	<i>%♦♦</i>
<i>Airports</i>	117	158		562	3.770	
<i>Ports</i>	0	97		0	1.166	
<i>Others</i>	0	8		0	0	
<i>Total</i>	117	263		562	4.936	

♦ *Confiscations*100/ Seizures* - ♦♦ *Confiscations Specimens *100/ Seizures Specimens*

Table 8. N° CITES seizures/year for three representative customs offices

CITES Operative Units of State's Forest Corps

2001			
<i>CITES Operative Units at customs of:</i>	<i>Seizures (n°)</i>	<i>Seized Specimens (n°)</i>	
<i>Fiumicino</i>	74	571	
<i>Genova</i>	17	30	
<i>Verona</i>	45	143	

2002			
<i>CITES Operative Units at customs of:</i>	<i>Seizures (n°)</i>	<i>Seized Specimens (n°)</i>	
<i>Fiumicino</i>	72	754	
<i>Genova</i>	45	674	
<i>Verona</i>	46	60	

11&12. Procedures of disposal of seized specimens: Art. 16.3 (a) and (b) (338/97). Special procedures regarding seizure of live specimens (Annex B or C) introduced without appropriate valid permits: Art. 16.4 (338/97).

National legislation contains provisions for the return to the exporting country of *live confiscated specimens*, for placing them in a public or private rescue centre, at the expense of the convicted person and following consultation with the Scientific Authority or for specimens of species included in the Annexes B and C of Reg.338/97 for their sale providing that the convicted person directly or indirectly cannot acquire them.

For not-live confiscated specimens parts and products provisions are made for their use for educational and scientific purposes only. Museums, universities and scientific

institutions have been entrusted to this aim, as well as environmental NGOs, housing confiscated specimens, in application of the judicial measures taken. Some specimens are, at the moment, used with educational purposes by the Nature Conservation Service of the Ministry of the Environment and Land Protection and by the CITES Service of the Forests Corps in their personnel training courses.

V. OTHER UNITS OF CONTROL

13. Other designated units of control empowered to realise seizures: Art. 13.1 (b) (338/97).

Although all the Police bodies in Italy are empowered with authority for seizures, Law 150/92 charged Ministry of Agricultural and Forestry Policies – State’s Forest Corps - CITES Service- with special authority concerning CITES matters.

The State’s Forest Corps CITES Service is organized as follows:

- N° 23 Offices (CITES Permits Service) distributed all over the Country. These offices issue relevant certificates and perform inspections over their territorial jurisdiction. In the regions or provinces with political autonomy, these activities are carried out by personnel of the Regional or Provincial Administrations delegated by the Ministry of Agriculture;
- N° 18 Custom Operative Units (State’s Forest Corps CITES Operative Units) with duties specified in point IV.
- N°1 CITES warehouse where parts and derivatives confiscated by relevant Authorities are kept for their future disposal for educational and training purposes. This office is located at the Multifunctional Centre of Civil Defence in Castelnuovo di Porto (Rome);
- N°1 CITES Central Service located in Rome and coordinating all State’s Forest Corps activities relevant to CITES and EU Regulations.

Table 9. CITES CERTIFICATION SERVICES

REGION	CITES PERMITS SERVICES
ABRUZZO	<i>Pescara</i>
BASILICATA	<i>Potenza</i>
CALABRIA	<i>Reggio Calabria</i>
CAMPANIA	<i>Napoli</i>
EMILIA ROMAGNA	<i>Bologna</i>
	<i>Forlì</i>
	<i>Modena</i>
FRIULI VENEZIA GIULIA	<i>Trieste</i>
LAZIO	<i>Roma</i>
LIGURIA	<i>Genova</i>

	<i>Imperia</i>
LOMBARDIA	<i>Milano</i>
MARCHE	<i>Macerata</i>
MOLISE	<i>Campobasso</i>
PIEMONTE	<i>Alessandria</i>
	<i>Torino</i>
PUGLIA	<i>Bari</i>
SARDEGNA	<i>Cagliari</i>
SICILIA	<i>Palermo</i>
TOSCANA	<i>Firenze</i>
TRENTINO ALTO ADIGE	<i>Bolzano</i>
UMBRIA	<i>Perugia</i>
VAL D'AOSTA	<i>Aosta</i>
VENETO	<i>Vicenza</i>
	<i>Padova</i>

14. Procedures to seize specimens, and where appropriate arrest owner: Art. 16.1 (338/97)
(See also point VII)

As said in the previous chapter, Law 150/92 determines specific penalties to prosecute infringements to CITES and EC Regulations, giving judiciary power to the State's Forest Corps, which has police status being also a competent Management Authority.

Table 10. State Forest' Corps wildlife inspectors enforcing CITES on the national territory

2001 - 2002

<i>CITES PERMITS SERVICE</i>	<i>UNITS</i>
<i>Alessandria</i>	3
<i>Aosta</i>	3
<i>Bari</i>	4
<i>Bologna</i>	4
<i>Bolzano</i>	4
<i>Cagliari</i>	4
<i>Campobasso</i>	3
<i>Firenze</i>	5
<i>Forlì</i>	5
<i>Genova</i>	4
<i>Imperia</i>	4
<i>Macerata</i>	6
<i>Milano</i>	6
<i>Modena</i>	4

<i>Napoli</i>	5
<i>Padova</i>	4
<i>Palermo</i>	4
<i>Perugia</i>	4
<i>Pescara</i>	4
<i>Potenza</i>	5
<i>Reggio Calabria</i>	2
<i>Roma</i>	24
<i>Torino</i>	4
<i>Trieste</i>	2
<i>Verona</i>	2
<i>Vicenza</i>	5
<i>total</i>	124

Table 11. Controls/seizures of CITES specimens

2001	
<i>53.907 Specimens inspected</i>	
<i>2.040 Specimens seized</i>	

MAIN CATEGORIES	Number of specimens		MAIN TAXA	Number of specimens	
	Controls	Seizures		Controls	Seizures
<i>Live animals</i>	8.186	541	<i>Mammals</i>	38.162	196
<i>Dead animals</i>	1467	669	<i>Reptiles</i>	10.086	796
<i>Game birds</i>	215	8	<i>Amphibians</i>	25	-
<i>Animal derivatives Product</i>	37.562	436	<i>Birds</i>	5.039	987
<i>Skins</i>	6.299	386	<i>Pisces</i>	203	-
<i>Live plants</i>	171	-	<i>Invertebrates</i>	214	61
<i>Plants Derivatives Product</i>	7	-	<i>Plants</i>	178	-

2002	
<i>59.855 Specimens inspected</i>	
<i>962 Specimens seized</i>	

MAIN CATEGORIES	Number of specimens		MAIN TAXA	Number of specimens	
	Controls	Seizures		Controls	Seizures
<i>Live animals</i>	20.237	174	<i>Mammals</i>	907	77
<i>Dead animals</i>	91	58	<i>Reptiles</i>	11.117	735
<i>Game birds</i>	0	0	<i>Amphibians</i>	81	73
<i>Animal derivatives Product</i>	269	104	<i>Birds</i>	650	28
<i>Skins</i>	11.196	626	<i>Pisces</i>	19.000	-
<i>Live plants</i>	28.060	0	<i>Invertebrates</i>	97	49
<i>Plants Derivatives Product</i>	2	0	<i>Plants</i>	28.003	0

VI. TRAINING ACTIVITIES

15 & 16 .Management Authority and Scientific Authority: Seminars organized/attended

On 21-23 May 2002 the international workshop “*The Use of forensic analyses for CITES enforcement in Europe: Current projects and perspectives*”, organized by the CITES Management and Scientific Authorities, in collaboration with the Italian Wildlife Biology Institute (INFS), was held at Villa Fogliano, Sabaudia, in the Circeo National Park. Aim of the workshop was to share expertise on DNA methods used in the European countries for CITES enforcement purposes and to make proposals on ways to achieve an improved cooperation on the exchange of information about forensic, genetic analyses.

15 Countries of the European region participated in the workshop, some of them sponsored by Italy.

17. Customs/police: information on seminars attended and/or organized and provided brief description Art. 12.2 (338/97).

In 2001 and in 2002 several co-ordination meetings were organized attended by officers of the CITES Certification Service and of the CITES Operative Units of Forest’ Corps for a better implementation and co-ordination of their activities.

In June 2001 the CITES Service gave its contribution to Lusaka Agreements Organization in a training course held in Tanzania for Wildlife officer of the National Parks.

In February 2002, the CITES Service of the State’s Forest Corps organized, with the support of the CITES Scientific Authority, a training and refresher course on the provisions of articles 24, 25 and 26 of the (EC) Regulation 1808/01 and the related national disposals, also with sections on the identification of the specimens, was held and attended by 50 officers of the CITES Certification Services.

A joint Customs and State’s Forest Corps, with the Ministry of Environment, training workshop , was held in Sabaudia, at the Circeo National Park premises, in October 2002. The training workshop was aimed at the implementation of procedures described in the new Operational Manual and specifically on controls of CITES specimens at the point of introduction. It was attended by 120 staff members of Customs Agency and State’s Forest Corps.

All the course and workshop held provided, besides training material for each participants, power point presentations, movies, animals and plants specimens (live, dead and derivative products coming from confiscation), permits or certificates falsified, experts from the Scientific Authority and the national Universities.

VII. INFRINGEMENTS AND LEGAL ACTIONS

20. Infringements

As said in the previous chapter, Law 150/92 determines specific penalties to prosecute infringements to CITES and EC Regulations, giving judiciary power to the State’s Forest Corps (State’s Forest Corps), which has police status being also a competent Management Authority.

The use of non designation ports of entry has been highlighted as one of the main problems for the introduction of illegal consignments of fauna and flora. Important and complex investigations have been carried out using also instruments and techniques that were new to the field of protected fauna

and flora but that are commonly used in the prosecution of crimes connected to the illegal trade of drugs and weapons.

This has been possible by adding to the offences related to the CITES legislation those of certain articles of the penal Code as the ones for example for laundering, criminal association, forgery and falsification of documents. Moreover, an extremely valuable tool has been constituted by the full participation and the consequent exchange of information represented by the INTERPOL Group on Wildlife Crime and its associated Police Corps, as well as the collaboration with forensic laboratories, and research institutes with the use of new identification techniques that proved to be an indispensable source of evidence during the presentation criminal cases to Court.

These data are reported in the following tables.

2001		
<i>CITES Service of State's Forest Corps - MAIN CATEGORIES</i>		
	Inspected Specimens	Seized Specimens
Live Animals*	4.637.781	929
Dead animals and parts	304.591	1.180
Animals products*	5.846.315	1.464
Skins	3.612.905	8.388
Live Plants	1.782.911	28
Plants products	24.079	350
Total	16.208.582	12.339
<i>* data includes also controls on specimens not listed in the Annexes of EU Reg.) 338/97</i>		

2001		
<i>CITES Service of State's Forest Corps - MAIN TAXA</i>		
	Inspected Specimens	Seized Specimens
Mammals *	2.904.192	378
Reptiles	2.004.361	9.261
Anphibians	2.739	0
Birds	871.886	1.593
Fishes *	3.799.429	33
Invertebrates *	4.818.985	696
Plants	1.806.990	378
Total	16.208.582	12.339
<i>* data includes also controls on specimens not listed in the Annexes of EU Reg.) 338/97</i>		

2002		
<i>CITES Service of State's Forest Corps - MAIN CATEGORIES</i>		
	Inspected Specimens	Seized Specimens
Live Animals	3.350.586	197
Dead animals and parts	338.392	10.604
Animals products	659.250	1.006
Skins	3.711.832	3.821
Live Plants	1.455.841	6
Plants products	18.935.763	400

<i>Total</i>	28.451.664	16.034
PIU' 10.000.000 Parti e Prodotti derivati da piante NOT LISTED		

2002		
<i>CITES Service of State's Forest Corps - MAIN TAXA</i>		
	Inspected Specimens	Seized Specimens
Mammals *	2.607.938	269
Reptiles	1.732.302	4.755
Anphibians	443	73
Birds	605.915	10.165
Fishes *	2.654.203	0
Invertebrates *	458.767	366
Plants	20.392.096	406
Total	28.451.664	16.034

Infringements : Art. 14.1 (b) (338/97)

Some of the most significant infringements detected by State Forest Corps enforcing EU Regulations and the national laws implementing CITES disposals, and referred to biennium 2001 and 2002, are reported below with a summary of the main cases.

Significant quantities (almost 30 millions) of CITES specimens have been checked during the period covered by this report and important seizures have been made. (almost 2 thousands: live animals, live reptiles as pet animals following travellers, corals, shells, caviar, reptile skins like bags, belts and shoes, ivory by-products, embalmed turtles, hunting trophies, game birds).

The most meaningful administrative and judicial controls carried out for the typology of protected samples, crimes, complexity and importance of the operation are briefly described. Also during this biennium, the phenomenon related to the illegal introduction of caviar, is confirmed. The most remarkable seizures have been performed by the Operational Units of the State's Forest Corps that operates in the airports of Rome Fiumicino, Bologna Borgo Panigale, Venice and Verona with origin Bulgaria, Iran, Russian Federation, Latvia.

The continuing investigations on the illegal trade in shahtoosh, started in Italy in the early 90's, led to the conviction of a trader working in conjunction with Indian traders . 2 shawls were confiscated and the trader was fined.

The use of the postal channel for the illegal traffic of animals and protected plants was also investigated during the biennium. Ivory objects, hunting's trophies, goods of reptile skins, but also live animals were confiscated . Of particular interest is the case of the attempted illegal export of autochthonous salamanders, not listed in the 338/97 Regulation but under the Habitat Directive: 3 person are under investigations.

Illegal trade in live reptiles it seems to be growing . It is worth mentioning the investigation performed in collaboration between the State's Forest Corps the State Police which led to the arrest of one person for illegal trafficking of several live reptiles.

Another investigative sector that has given interesting results is that of the seizures of *game birds* with origin from the Eastern European countries.. In particular, an important investigation, started in late 2000 and finished in 2001, was carried out by the State' Forests Corps and Regional Forests Corps. 3000 stuffed specimens, 1600 frozen, 750 live for a total of 5350 specimens were seized. The traffickers tried to smuggle the specimens, coming from Balkans area and Uzbekistan, through the Italy/Slovenia border, by land, hidden in trucks. Collecting and taxidermy were the main aims of the illegal trade.

Administrative controls were started in conjunction with the new decree on the detention register. . Such controls in commercial structures (shops, etc.), totalled more than 40.000 samples. Following such controls administrative fines for a total e of euro 257.000 were issued.

VIII. PERMITS AND CERTIFICATES

21. Procedures for issuing permits and certificates: Art. 4.1, 4.2, 4.3 and 5.1, 5.2, 5.3 (338/97)

The issuing of permits and certificates foreseen by EC Regulations has been carried out by the State's Forest Corps and by the Ministry of Productive Activities.

- Since 1st February 2002, the Ministry of Productive Activities issues all the import and export licenses foreseen in the EC) Regulation 338/ 97; before that date these were shared among the mentioned Ministry and the State's Forest Corps.

The State's Forest Corps issues the following permits and certificates:

- Re-export certificates of specimens of species listed in the Annexes A, B and C of the (EC) Regulation 338/ 97.

The CITES Operative Units of the State's Forest Corps receives the import notifications foreseen in art. 14 of EC Reg. 939/97.

The CITES Services and the CITES Operative Units of the State's Forest Corps and the Ministry of External Trade have issued 27818 permits and certificates during 2001, and about 26893 during 2002.

The forms foreseen in EC Regulation 939/97, are in use since 1st September 1997 and data processing procedure for issuing permits and certificates has been updated to cope with new Regulation.

There is the possibility to use an Annex to each permit or certificate when the species included in a shipment are numerous, with a maximum of three species for each Annex. The printing of the forms is carried out by the Ministry of the Environment and their distribution is assured by the State's Forest Corps and by the Ministry of External Trade.

For the issuing of permits and certificates the payment of a fee of Euros ten(10) is required . The time for issuance of permits differs from case to case, depending on the Annex (if A, B or C). If it is not necessary to have the opinion of the Scientific Authority, and the export permit or the re-export certificate issued by the country of origin or provenance is authentic and valid, an average time of one week is required for the issuance. The time of issuance of re-export certificates it depends on several factors [kind of specimen (live or dead, Annex A, B or C) for example]. For a standard case an average issuing time of five days is assured.

The issuance time of certificates at sense of art.10 of Reg.(EC)338/97 is very variable. In fact, it often requires a physical inspection of the structure that apply for the certificate, besides the consultation of the Scientific Authority. If it is not necessary to have the opinion of the Scientific Authority, and the documents provided by the applicant are sufficient to prove the satisfaction of the requirement of the Regulation, an average time of 15 days can be respected.

The rate of unused licenses and certificates (i.e. total issued versus unused permits and certificates) is summarized below.

CITES Service of State's Forest Corp's

2001				
Licenses and certificates				
	Issued (N°)	Used (N°)	Unused (N°)	%**
<i>Import*</i>	4.608	4.115	493	10,69
<i>Export*</i>	30	19	11	36,66
<i>Reexport</i>	22.207	17.018	5.189	23,36
<i>Certificates (CE)</i>	419	419	0	0
<i>Notification</i>	554	554		0
Total	27.818	22.125	6.666	23,96

2002				
Licenses and certificates				
	Issued (N°)	Used (N°)	Unused (N°)	%**
<i>Import*</i>	4.895	3.744	1.151	23,51
<i>Export*</i>	68	39	29	42,64
<i>Reexport</i>	20.775	13.675	7.100	34,17
<i>Certificates (CE)</i>	318	318		0
<i>Notification</i>	837	837		0
Total	26.893	18.613	9.435	35,08

* issued by the Ministry of Productive Activities

** Unused*100/ Issued

Description of the data processing permits/ certificates issuing system

The offices of CITES Service of the State's Forest Corps issue permits and certificates through a data processing system organized with client-computers and a server on which are installed the main program of management of the system and the databases .

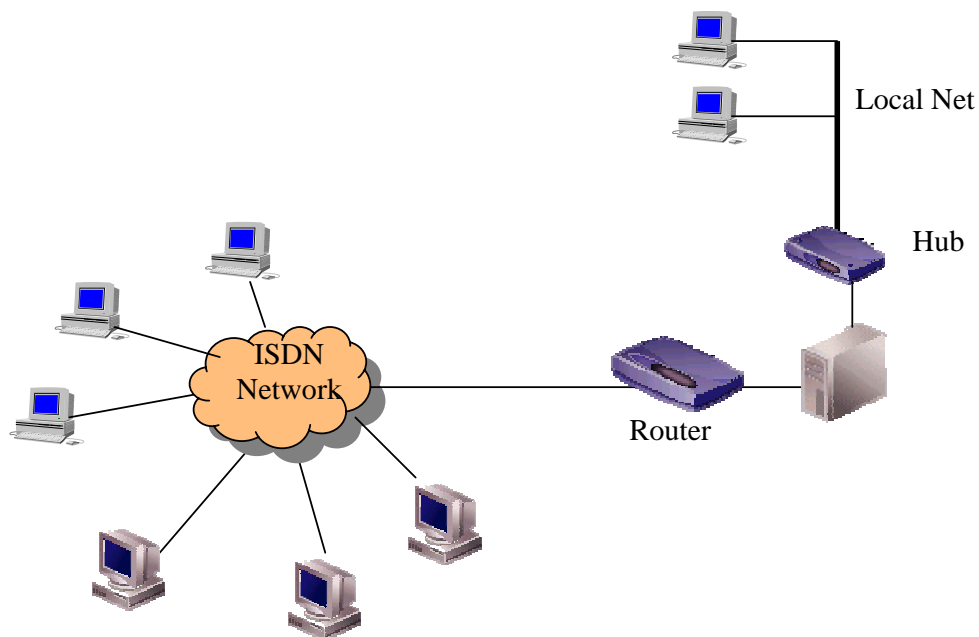
The client-servers are connected with an ISDN modem card or with a network interface card, in a geographical net and work directly on the main server in terminal emulation (there is no data elaboration in the client-servers). The data stored are immediately available to all other client-computers connected to the net and they can be printed only by the office that has inserted them.

The data processing system has been realized in 1989 and has been constantly updated and improved. (Last improvement in 1999).

Here follows the technical characteristics of the data processing system:

- Server HP series 9000 (128 Mb of Ram) with Operating System Unix ver. V and Oracle Database for workgroup. It is connected to the net through a Router Cisco model 3600 and from a hub 3com.
- Client-computer Epson Endeavour XL (Pentium mmx model with 32 Mb of Ram) with Windows 95 and Xvision Terminal Emulator. It is connected to the net by an ISDN modem card or by a network interface card .
- Dot impact printer Epson LQ 2180 (fully grown A4/ A3) connected to the client-computer

Scheme of the computerized permit/certificate issuing process and custom procedure



LEGEND



Client Computer used by CITES Certification Services



Client Computer used by CITES Operative Units



Server

- Geographical net ISDN and local net based on TCP/IP protocol
- Windows 95/ 98 compatibility

22. Procedures for replacing permits and certificates: Art. 7.3 (1808/2001).

The provisions of art.7.3 are fully implemented.

IX. COMMUNICATION

Public awareness activities and programs undertaken by the responsible authorities: Art.12.5 (338/97) and Art. 15.1 (338/97).

Several public awareness activities have been carried out during the biennium concerned.

Exhibitions on CITES and EU Regulations took place in various national events, with stands containing confiscated specimens and audio-visual equipment.

Furthermore, information to the commercial sector was routinely carried out. through specific information notes on CITES and EU Regulations.

Press conferences have been held at the most important and meaningful events regarding implementation of CITES , EU Regulations and national laws. In particular, in October 2002, in the occasion of 180° Anniversary of the foundation of the State' Forests Corps, at Piazza del Popolo, in the centre of Rome, among the other stands on the activities of C.F.S., a display of CITES confiscated parts and derivatives was set up, as a meeting point, with six thematic paths (live animals, plants, skins, ivory, corals and shells, foods and traditional Chinese medicine) each with information panels (text and photos) and a PC to detail each theme.

Leaflets, posters and related information materials on CITES and the related EC and national legislation disposals and the enforcement of them were printed.

Participation to TV and radiophonic transmissions is assured very often, on daily basis during period of particular interest for the media like summer. Professional video (BETACAM) related to CITES activities, during CITES controls at customs and on the national territory , has been produced , and it is used to collaborate with TV or to project it during public events.

The Ministry of Environment has a new WEB site on CITES at the following address:
http://www.minambiente.it/Sito/settori_azione/scn/cites/cites.asp.

The CITES World Wide WEB of the State's Forest Corps has been updated:
(www.corpoforestale.it)

In July 2001, during the summer holidays period, the Ministry of Environment-Nature Conservation Service and CITES Service of the State's Forest Corps, started an information campaign at all the designated national Customs Offices. One thousand posters with advice for travellers, in Italian and English, were affixed in all ports and airports, and also distributed to CITES Forests Corps offices all over the national territory, and to the Chambers of Commerce, thus implementing art. 12.5 of EC Reg. 338/97.

In June 2002 Italy prepared a CITES stand for the 1st Ecoenvironment show held in Liguria region. A display of CITES confiscated parts and derivatives was set up, as a meet ponit of six thematic path (live animals, plants, skins, ivory, corals and shells, foods and traditional Chinese medicine) each with information panels (text and photos) and a PC to deep each theme. Leaflets, posters and related information materials on CITES and the related EC and national legislation disposals and the enforcement of them were printed.

In July 2002, at the new air-terminal opening of Venice Galileo Galilei airport, a permanent display of confiscated parts and derivatives was set up, with an information panel for travellers, in Italian and in English. Also leaflets, with the same information were printed and distributed.

In September 2002, the Operative Manual on procedures to control CITES specimens at the point of import and (re)export according to CITES and the related EC Regulations, realized by Ministry of Environment, State's Forest Body – CITES Service and Customs Agency, and distributed to all the personnel in charge of CITES controls, were officially presented also to Trade operators, Category Associations, NGOs, Forwarding agent associations, Trade Chambers, etc.

24. Describe briefly information included on annual reports communicated to the Commission: Art. 15.4 (338/97) and Art. 39 (1808/2001)

The CITES Service of the State's Forest Corps elaborate the Annual Report through the computerised licensing System (see point VIII – Permits and Certificates). Mortality rates data, at the time of arrival, are also included. As far as seizures and confiscation are concerned, since 31 December 2001 the related data are input into an electronic database (see point VII – Infringements and legal actions). Annual reports to the Commission have been always submitted on time (before 15 June)

X. ATTENDANCE AND PARTICIPATION AT EU WILDLIFE TRADE REGULATIONS MEETINGS

25. Contribution of the MA to the operations of the Committee: Art. 18.1 (338/97)

Italy attended all the meetings of the Committee (Ministry of Environment and State Forest' Corps) including all the meetings that were held in Santiago (Chile) during the 12th meeting of the Conference of the Parties to CITES,

26. Contribution of the MS to the operations of the Scientific Review Group: Art. 17.1 (338/97)

The Italian Scientific Authority participated to all meetings of the Scientific Review Group

27. Contribution of the MS to the operations of the Enforcement Group: Art. 14.3 (a) and (b) (338/97)

Italy actively participated with one representative of the State Forest' Corps, to the meetings of the Enforcement Group held in 2001 and 2002.

Related to the enforcement activity of the Enforcement Group is to be signalled also the participation to the Meeting of the Group of WCO/CITES WG and the fact that Italy hosted the 14° Meeting of the INTERPOL Working Group on wildlife crimes (May 2001 – Rome -Italy)
The meeting was attended by 34 delegates from Police and Customs of 23 countries, besides the representative of the CITES and INTERPOL Secretariats. Italy participated also to the 15° Meeting (September 2002 – Ottawa - Canada).

LUXEMBOURG

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Grand-Duché de Luxembourg

Rapport prévu par le Règlement 338/97, article 15.4 c)

2001-2002

Ministère de l'Environnement
en coopération avec Service vétérinaire,
le Service phytosanitaire et
la Direction des Douanes
2004

Grand-Duché de Luxembourg

Rapport prévu par le Règlement 338/97, article 15.4 c)

2001-2002

1. Mesures législatives / réglementaires :

1.1. Liste des instruments légaux

En 2001-2001, la législation d'application au Luxembourg est la suivante :

- Loi du 19 février 1975 portant approbation de la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, signée à Washington le 3 mars 1973 (Mém. A 1975, p. 518), modifiée par la loi du 21 avril 1989 (Mém. A 1989, p. 598); mise à jour des annexes (Mém. A 1981, p. 1934)
- Loi du 21 avril 1989
 - portant approbation des Amendements de Bonn du 22 juin 1979 et de Gaborone du 30 avril 1983 à la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, signée à Washington, le 3 mars 1973
 - complétant la loi du 19 février 1975 portant approbation de la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, signée à Washington le 3 mars 1973 (Mém. A 1989, p. 598)
- Règlement grand-ducal du 21 avril 1989 portant
 - application de la convention de Washington sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction;
 - exécution des règlements communautaires relatifs à l'application dans la Communauté de cette Convention (Mém. A 1989, p. 601), modifié par les règlements grand-ducaux du 20 juin 1990 (Mém. A 1990, p. 416), du 4 février 1993 (Mém. A 1993, p. 449), du 22 octobre 1993 (Mém. A 1993, p. 1601), du

26 juin 1995 (Mém. A 1995, p. 1377) et du 31 mars 1996 (Mém. A 1996, p. 864).

- Règlement grand-ducal du 21 avril 1989 portant désignation des experts chargés de rechercher et de constater les infractions aux dispositions légales ou réglementaires en matière de commerce international des espèces de faune et de flore sauvages menacées d'extinction (Mém. A 1989, p. 602)
- Règlement grand-ducal du 1er décembre 1993 fixant certaines modalités d'application du règlement CEE N° 3264/91 du 4 novembre 1991 interdisant l'utilisation du piège à mâchoires dans la Communauté et l'introduction dans la communauté de fourrures et de produits manufacturés de certaines espèces animales sauvages provenant de pays qui utilisent pour leur capture le piège à mâchoires ou des méthodes non conformes aux normes internationales de piégeage sans cruauté (Mém. A 1993, p. 1751)
- Arrêté ministériel du 5 mars 2001 portant nomination des membres du comité scientifique dans le cadre de la convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, signée à Washington le 3 mars 1971. (Mém. B – N° 20 du 22 mars 2001)

- Elaboration en cours d'un avant-projet d'amendements à la loi du 19 février 1975 portant approbation de la Convention sur le commerce international des espèces de faune et de flore sauvages menacées d'extinction, signée à Washington le 3 mars 1973.

Les travaux préparatoires pour la mise en place des dispositions de la nouvelle réglementation communautaire sont en cours en collaboration avec les organes de gestion et de contrôle. De légers changements, notamment au sein du comité de gestion luxembourgeois imposent une révision de la législation nationale (loi du 21 avril 1989). Des questions se posent quant aux dispositions plus sévères de la législation nationale actuelle relatives à l'interdiction de détention pour spécimens de l'annexe A, à l'exception d'objets personnels. Sont en discussion également une introduction de taxes pour la délivrance de permis/certificats ainsi qu'une adaptation des sanctions pénales au de la moyenne communautaire (toutefois, les informations à ce sujet ne sont pas encore disponibles).

Points centraux :

- Révision des dispositions légales relatives au 'comité scientifique', dont la version de 1979 comprend encore les délégués des services vétérinaires et phytosanitaires, qui délivrent des documents CITES, mais qui ne peuvent plus y figurer en tant qu'autorité scientifique depuis la réglementation communautaire de 1997/98 (séparation des pouvoirs). Il existe déjà un arrêté ministériel corrigeant la composition de l'autorité scientifique au sens du règlement communautaire. [Mémorial B No 20 du 22 mars 2001](#)
- Pour assurer la coordination entre les autorités compétentes, jusqu'à présent réunies au sein du 'comité scientifique' précité, il sera envisagé d'instituer un comité ou groupe de suivi national, à composition semblable au comité scientifique prévu par la législation de 1979. Les contacts entre les agents concernés étant très personnels et directs, il s'agit plutôt d'un formalité.
- Remplacement des références aux anciens règlements communautaires
- Renforcement du rôle de l'Administration des Douanes et Accises, en vue de les charger de façon explicite aux contrôles non frontaliers.
- Séparation éventuelle du texte de ratification proprement dit de la Convention, des dispositions d'exécution de des règlements communautaires et la Convention.
- Introduction éventuelle de taxes pour l'émission des documents
- Réadaptation éventuelle des sanctions pénales (si nécessaire au niveau européen)

1.2. Sanctions pénales

Les sanctions pénales sont fixés par l'article 12 de la législation de 1989 :

- Confiscation
- 8 jours à 6 mois de prison
- Amende de 2500 à 1'000'000 francs (62,5 à 25000 Euros).

De plus, la loi de protection de la nature et des ressources naturelles du 11 août 1982 fixe des sanctions au cas d'infractions en matière de protection de la faune / flore sauvages.

La loi ayant pour objet d'assurer la protection de la vie et le bien-être des animaux du 15 mars 1983 fixe des sanctions (détention ou transport contraires au bien-être des animaux).

1.3. Saisies et confiscations

Procédure encas d'infraction à la législation CITES :

A) Spécimens sans papiers

Lors des contrôles de passagers, du transport postal ou des marchandises, toute infraction présumée ou doute sur des marchandises non déclarées, entraîne la rétention (saisie) provisoire des spécimens en question par les agents douaniers, qui dressent un procès-verbal provisoire et le transmettent directement au procureur général.

Ces mesures provisoires doivent être confirmées par le juge d'instructions endéans de cinq jours. Après cette validation, une expertise est faite par un expert scientifique du Musée national d'histoire naturelle.

Si le résultat de cette expertise est négatif, les spécimens sont retournés au propriétaire par l'administration des Douanes / le Musée nationale d'histoire naturelle.

Si le résultat en est positif, la direction des Douanes adresse un procès verbal définitif au procureur général, qui d'après l'article 12 de la législation national, a la possibilité d'ouvrir une procédure en justice.

En cas d'une condamnation, le tribunal prononce la confiscation du spécimen.

La majorité des propriétaires fautifs abandonne le spécimen frauduleux, il n'y a alors pas de procédure formelle au tribunal ; la saisie vaut comme confiscation définitive. Les spécimens en question sont stockés à des fins didactiques ou scientifiques.

Dans le cas de spécimens vivants, souvent est adopté la méthode du renvoi immédiat de toute la livraison au pays de provenance, aux frais de l'exportateur / du transporteur (très efficace), ou bien le placement provisoire auprès du détenteur (avec saisie provisoire).

B) Spécimens avec papiers incomplets ou douteux

S'il apparaissent des problèmes avec des documents CITES existants, les agents douaniers retiennent provisoirement les objets en question et demandent des détails à l'autorité de gestion (p. ex. attendre l'arrivée des originaux ou la confirmation de l'authenticité des documents par l'autorité de délivrance).

Dans les cas où il n'est pas possible d'avoir ou de valider le permis d'importation, il arrive que la marchandise soit renvoyée à l'importateur (aux frais de celui-ci ou du transporteur), sans l'intervention du procureur général. Cette procédure s'applique surtout aux cas de livraisons majeures de spécimens vivants et s'est avérée très dissuasive.

2. Mesures d'application de la réglementation

2.1. Monitoring de l'efficacité

Liste des Autorités compétentes pour la CITES:

- Ministère de l'Environnement Luxembourg : CITES M.A. Coordination / Point focal, Législation, Comité CITES, Secrétariat pour l'autorité scientifique nationale.
- Administration des Services vétérinaires : CITES M.A. : délivrance de permis / certificats pour animaux, constat des infractions, bien-être des animaux (autorisations de détention)
- Administration des Services techniques de l'Agriculture, Service phytosanitaire : CITES M.A. délivrance des permis / certificats Plantes, constat des infractions
- Administration des Douanes et Accises : contrôles
- Musée national d'histoire naturelle: avis et expertises scientifiques
- Administration des Eaux et Forêts : constat des infractions, avis et expertises scientifiques
- (Police Grand- Ducale : contrôles)

Etant donné l'envergure extrêmement réduite du commerce des espèces exotiques aux frontières luxembourgeoises, un monitoring formel n'est pas effectué. Les agents des

autorités de gestion de la direction de la douane se concertent de façon régulière sur les améliorations possibles dans la domaine de la CITES.

Il n'y a pas d'agent CITES à plein temps, tous les agents ont des fonctions plus vastes qui doivent cependant leur permettre d'être disponibles si nécessaire. L'autorité de gestion constate une augmentation considérable de la charge de travail par la multiplication des demandes de documents CITES.

Le travail entre les administrations est facilité par le contact personnel et direct des agents concernés par la mission CITES. Les organes de gestion se consultent avec la Commission en cas de doute lors de l'introduction / de l'exportation d'espèces annexées. Communication entre Organes de gestion rapide, contacts personnels, par téléphone / e-mail / fax / courrier . Travail du comité scientifique plutôt lent.

2.2. Infractions et actions légales

Le petit nombre des infractions constatées ne permet pas d'en conclure à une tendance globale.

Infractions	2001	2002
Annexe A	1	0
Annexe B/II	3	1
Plantes : annexe A/B	0	0

Il s'agit de saisies qui n'ont pas (encore) donné lieu à un procédure judiciaire.

2.3. Infractions significatives

En absence de définition, aucune infraction significative n'a été signalée.

2.4. Enquêtes demandées par la Commission

Il n'y a pas d'enquêtes demandées par la Commission

2.5. Enforcement Group- Groupe d'application de la législation Cites

Au groupe « Enforcement » Application de la législation Cites» de la Commission, un agent de la direction de l'Administration des Douanes et Accises représente le Luxembourg.

Une coordination étroite entre les travaux du Comité et du groupe « Enforcement » semble nécessaire. C'est pourquoi ce délégué devient en 1999 également deuxième représentant du Luxembourg au Comité CITES, ensemble avec le représentant du Ministère de l'Environnement. Vice-versa, dans la mesure du possible, le représentant au Comité CITES accompagne le délégué au groupe « Enforcement » aux réunions de celui-ci.

L'Organisation mondiale des douanes ayant renforcée ses activités dans le domaine du contrôle du Commerce CITES, on constate depuis 2000 une collaboration renforcée de l'Administration des Douanes.

2.6. Utilisation des spécimens confisqués

La vente n'en est pas pratiquée. Les spécimens en question sont stockés à des fins didactiques ou scientifiques, dans un dépôt du Musée national d'histoire naturelle.

Dans le cas de spécimens vivants, un placement définitif doit être cherché auprès d'un institut ou un zoo à l'étranger.

2.7. Saisie/confiscation de spécimens vivants-

Dans les cas où il n'est pas possible d'avoir ou alors de valider le permis d'importation, il arrive que le spécimen vivant soit renvoyée à l'importateur (aux frais de celui-ci ou du

transporteur), sans l'intervention du procureur général. Cette procédure s'applique surtout aux cas de livraisons majeures de spécimens vivants et s'est avérée très dissuasive.

En outre, la saisie provisoire, en attendant l'expertise et le jugement de confiscation du tribunal, pour des spécimens dont les conditions de détention sont inconnues ou alors difficiles, peut aboutir à un placement provisoire auprès de l'importateur, qui ne peut cependant pas en disposer.

Certains petits animaux vivants peuvent être placés provisoirement dans le Centre de sauvegarde des oiseaux de Dudelange, initiative de la Ligue pour la Protection de la Nature et des oiseaux (LNVL) conventionnée par l'état. Quelques spécimens en saisie provisoire ont également été placés auprès d'un parc animalier à Bettembourg.

2.8. Contrôle des activités commerciales avec spécimens confisqués

En absence de telles activités commerciales, un contrôle n'est pas nécessaire.

3. Mesures administratives :

3.1. –3.5 Bureaux Douaniers pour l'introduction et l'exportation, Bureaux Douaniers pour l'introduction et l'exportation exceptionnelle, Autorités de gestion , Autorités scientifiques :

VOIR Journal Officiel des Communautés européennes Numéro C356 du 8 décembre 1999

3.5. Autres autorités compétentes

- Administration des Eaux et Forêts : constat des infractions, avis et expertises scientifiques
- Police Grand- Ducale : Contrôles

3.6. Information de la Commission : effectuée

4. Information/communication :

4.1. Information aux points d'entrée dans la communauté

A l'Aéroport, une vitrine spéciale CITES rend les passagers attentifs à la problématique CITES.

Depuis 2001, il existe un dépliant pour la distribution aux passagers.

4.2. Sensibilisation du grand public

En date du 18 février 2001, trois fonctionnaires de l'Administration des Douanes ont fait une présentation sur la CITES dans le cadre de l'exposition « Bieren an Teddybieren (Ours et nounours) » au Musée national d'histoire naturelle.

A l'occasion de la Foire Internationale du 19 au 27 mai 2001, l'Administration des Douanes, en collaboration avec le Ministère de l'Environnement et le Musée national d'histoire naturelle, avait organisé une exposition sur la CITES intitulée « Attention souvenirs exotiques ! ». Cette exposition avait comme but la sensibilisation du grand public aux problèmes de la protection de la flore et de la faune sauvage. Etaient visés spécialement les touristes voyageant dans des pays exotiques et tentés de ramener des spécimens tombant sous l'application de ladite législation.

Pendant les heures d'ouverture, douze fonctionnaires des Douanes assuraient à tour de rôle, par équipes de quatre, une permanence au stand commun des trois administrations participantes pour donner des explications aux visiteurs intéressés au sujet. A cette occasion, ils distribuaient quelque six mille dépliant qui avaient été spécialement élaborés pour cet événement.

4.3. Communication à la Commission d'informations pertinentes sur des amendements en préparation

Ces informations ne sont pas disponibles, sinon difficilement exploitables à cause de la petite envergure du commerce.

5. Mesures d'implémentation

5.1. Documents

Modèles utilisés : Permis/certificats annexe A/B.

Il n'y a pas d'informatisation du permis. Cependant, si faisable, l'autorité de gestion aimerait introduire un tel système. A cette fin, il faudrait disposer des fichiers correspondants du modèle en français et introduire un dispositif de sécurité adéquat.

5.2. Délivrance de permis et certificats

Nombre de documents issus en 2001 et 2002 :

Importation	2001	2002
Annexe A	0	8
Annexe B	22	8
Plantes : annexe A/B	0	0
Notifications Annexe C		0
Exportation/Réexportation	2001	2002
Annexe A	2	0
Annexe B	19	16
Plantes : annexe A/B		
Notifications Annexe C		
Certificats d'origine	2001	2002
Annexe A	75	67

(Annexe B)

Pour 2001 les chiffres se présentent comme suit:

total des certificats d'origine CITES délivrés : 75 , dont :

34 pour des tortues de l'espèce Testudo Hermanni (A / II)

41 pour des tortues de l'espèce Testudo Marginata (A / II)

Pour 2002 , le total des certificats d'origine CITES est de 67 , dont :

37 pour des tortues de l'espèce Testudo Hermanni (A / II)

24 pour des tortues de l'espèce Testudo Marginata (A / II)

6 pour des boas de l'espèce Acrantophis Dumerili (A / II)

5.3. Refus de demandes de permis et certificats

Nombre de permis ou de certificats refusés : Aucun refus formel en 2001-2002.

Cependant, un nombre relativement grand de demandes n'aboutit pas à un document CITES, car les demandeurs n'apportent pas les preuves ou les documents nécessaires, demandés par l'organe de gestion. Ces demandes restent en suspens.

Au cas où une demande de documents donnerait lieu à un refus, la Commission et le secrétariat Cites en seraient avisés.

5.4. Communications relatives aux permis refusés dans les autres EM

Le ministère de l'environnement transmet pour information les e-mails de la Commission relatifs aux permis refusés aux autorités de gestion délivrant les permis et à l'administration des Douanes .

5.5. Remplacement de permis et de certificats

Nombre de permis / certificats remplacés 2001-2002 : Néant

5.6. Validité des permis en cas de destruction/annulation

L'autorité délivrant les permis / certificats informerait la Commission et le secrétariat de Genève en cas de destruction ou annulation d'un permis / certificat.

Nombre de cas 2001-2002 : néant

5.7. – 5.9. Procédures douanières pour remplir les formulaires

Tous les permis / certificats sont correctement remplis, à l'exception de la mortalité non déterminable. Pas de notifications d'importation pour annexe C.

Procédures douanières :

- pour transmettre les formulaires à l'autorité d'émission après le contrôle CITES : via transmis à l'autorité de gestion.
- pour effectuer un contrôle en cas de transit, en cas de documents manquants : directement au bureau douanier du point d'entrée

5.10. Formation des Agents Douaniers

Du 6 au 8 octobre 2001, deux fonctionnaires des Douanes ont participé à un séminaire organisé à Francfort/Main par le « World Conservation Union » (IUCN) et le « World Wildlife Fund » (WWF). Ce séminaire avait comme objectif un échange de vue de toutes les « Enforcement Authorities » en matière de CITES, tels que Douanes, Police, Vétérinaires et Magistrats.

La formation de base des nouveaux agents douaniers comprend 9 heures de cours dans la matière CITES. Cependant, aucune formation continue n'a pu être organisée en 2001, 2002 et 2003. Une nouvelle série de formations est planifiée.

5.11. Place pour détenir des spécimens vivants aux bureau douaniers désignés

L'unique bureau d'entrée(Aéroport de Luxembourg) dispose d'une unité de détention provisoire. Il n'existe pas de « Rescue Center » ou Centre de secours au Luxembourg. Un Centre de revalidation destiné aux oiseaux et petits mammifères est planifié en 2001, érigé en 2002 (et fonctionne depuis 2003). Avec sa station de quarantaine séparée, ce centre principalement dévoué à la faune indigène pourra également servir de lieu de détention provisoire pour certains spécimens Cites.

En 2000, un parc d'attractions a installé une facilité pour la récupération de Tortues de Floride rescapées dans un bassin d'eau.

5.12. Consultation d'autres organes de gestion avant la délivrance de documents CITES

En raison du petit nombre de documents issus par l'organe de gestion, celui-ci entretient une consultation très étroite avec la Commission, avec le Secrétariat CITES, avec les organes de gestion ayant délivré les documents en question, ainsi qu'avec les organes de gestion des pays limitrophes.

5.13./5.14 Utilisation de certificats phytosanitaires

Les certificats phytosanitaires ne sont plus utilisés en guise de CITES.

(Il n'y a pas de reproduction artificielle de plantes, aucun de permis phytosanitaire n'est issu en guise de CITES. Les seules introductions de plantes artificiellement propagées se font à partir des Iles Canaries, moyennant des papiers CITES.)

5.15. Retour de documents aux Autorités de délivrance

Les documents sont envoyés à l'organe de gestion (service vétérinaire) qui les transmet par courrier aux autorités de délivrance.

5.16. Procédure électronique

pas applicable pour le moment

5.17 Demandes de certificats multiples

S'il s'agit de spécimens d'une même espèce et ayant la même date de naissance, une seule demande de certificat est acceptée pour l'ensemble des certificats.

5.18. Institutions scientifiques, Etablissements pour la Reproduction artificielle de plantes et Etablissements d'élevage en captivité

Il n'existe pas d'institution scientifique ayant requis de statut spécial au titre de l'article 22. Aucune institution n'est enregistrée. La seule institution ayant intérêt éventuel à être enregistrée en tant qu'institutions scientifique est le musée d'histoire naturelle.

Aucun établissement commercial ne pratique l'élevage de plantes ou d'animaux CITES, il ne s'agit que d'éleveurs amateurs.

5.19. Introduction via un autre point d'entrée le lieu de destination (transit etc.)

Le Luxembourg a essayé en 2000 de rendre attentif aux problèmes de communication et de coopération existant dans ce domaine. Des propositions d'amendement à l'article 23.1 du règlement n'ont pas été adoptés par le comité.

En effet, il arrive qu'une partie des documents reste au point d'entrée (pour être renvoyée à l'autorité de délivrance) ce qui rend une vérification du Cites très difficile au point de destination; Il arrive aussi que des marchandises passent au point d'entrée alors que seulement une partie des documents n'est présentée (le bureau de destination peut faire le reste), etc.

Une meilleure communication serait nécessaire pour résoudre ce problème.

5.20. Etablissement des ancêtres pour prouver l'élevage en captivité d'un spécimen

Pour l'établissement de documents CITES, une visite des lieux est faite, contrôlant les conditions de détention et le fonctionnement de l'élevage.

5.21 Méthodes de marquage des spécimens

Aucune réglementation nationale ne spécifie le marquage à présent, en raison des divergences techniques considérables dans les EM ; l'autorité de gestion décide au cas par cas en appliquant directement la réglementation communautaire.

Pour les spécimens à marquer au Luxembourg, l'autorité de gestion décide au cas par cas de la méthode à employer, au vu des méthodes applicables dans les autres EM et des expériences y relatives. Pour les tortues, les méthodes de marquage par photo est appliquée. Pour les oiseaux, l'autorité de gestion prescrit l'anneau fermé.

Pour les spécimens en provenance des autres EM, tous les marquages conformes aux dispositions valables dans l'état membre de provenance du spécimen sont acceptés par l'autorité de gestion.

5.22 Rapports

Le rapport 2001 a été délivré le 26.02.2003.

Le rapport 2002 a été délivré le 25.09.2003.

Le rapport sur la mortalité n'a pu être fait par manque de données.

Le rapport biennal 1999/2000 a été transmis le 13.11.2001.

5.25 Autres activités pour renforcer l'application de la législation

- Informatisation : tous les agents disposent de l'internet et e-mail, facilitant la recherche et le flux d'informations.
- Formations : cf. point 2.1. et 5.10.
- Outils pour aider l'implémentation :
- Internet. D'autres matériaux sont photocopiés et distribués aux agents au fur et à mesure de leur disponibilité.

6. Initiatives /contributions pour renforcer l'efficacité au-delà les frontières nationales :

Le Ministère de l'Environnement propose des supports financiers aux projets Cites dans le cadre de la coopération avec les pays tiers (via le Ministère de la Coopération).

NETHERLANDS

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CITES biennial report 2001-2002

The Netherlands

Ministry of Agriculture, Nature and Food Quality
CITES Management Authorities

- Department of Nature
- LASER

The Hague, October 2003

INTRODUCTION

This CITES biennial report 2001-2002 includes all relevant information on CITES implementation in the Netherlands during the years 2001 and 2002. It includes information on legislation, enforcement and administrative matters, the scientific authority and many other relevant topics.

This document forms the report under the provisions of Art. VIII (7) (b) of the CITES Convention. Furthermore, the report forms the contribution of the Netherlands for the EU Biennial report 2001-2002 in accordance with article 15.4 (c) of Regulation (EC) 338/97.

Many organisations and persons have contributed to the production of this report. We would like to thank all of them and mention here the organisations:

- CITES Management Authority of the National Service for the Implementation of Regulations (LASER)
- Department of Nature of the Ministry of Agriculture, Nature and Food Quality
- General Inspection Service
- Plant Health Service
- Team IBG (Seizure of CITES-goods) of the National Service for the Implementation of Regulations (LASER)
- CITES Scientific Authority
- Customs Service of the Ministry of Finance
- Office of the Public Prosecutor of the Ministry of Justice
- Platform on Environmental Crime (UMC) of the Central Police Unit.
- The translators of the Ministry

We would also like to thank the European Commission and TRAFFIC Europe for providing the format for this report. It was very useful to have this format in identifying subjects to discuss in the report.

Still however, it has been quite a substantial task to produce this report. One of the main problems is the range of software programs in which the data are stored by the different organisations, so compilation to one set of data needs sufficient time. Furthermore, the information from our Enforcement Agencies and therefore production of the total biennial report has been quite delayed because of the enforcement input which was needed for the *avian influenza* outbreak in the Netherlands.

Nevertheless, we are satisfied with that all relevant information could be compiled for this Biennial Report. We think it gives a good overview of the organisation and implementation of CITES in The Netherlands. We hope that you will encounter a lot of useful information on this subject. For any questions on this report or if you would like to receive more copies, feel free to contact the CITES Management Authority in The Netherlands.

With regards,

Henk Eggink
CITES-Management Authority
Policy section
Ministry of Agriculture, Nature and Food Quality
P.O. Box 20401
2500 EK THE HAGUE
THE NETHERLANDS

tel. +31-70-3785009
fax: +31-70-3786146
email: h.j.eggink@minlnv.nl

Annegien Helmens
CITES-Management Authority
Head of permit section
LASER
P.O. Box 1191
3300 BD DORDRECHT
THE NETHERLANDS

tel. no: +31-78-6395340
fax no: +31-78-6395350
e-mail: a.a.helmens@minlnv.nl

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I LEGISLATIVE MEASURES

1 Specific provisions and legal instruments

Flora and Fauna Act

The Flora and Fauna Act and the accompanying General Administrative Orders and Orders in Council came into force on 1 April 2002. This Act incorporates the provisions of the EU Wild Birds Directive and the Habitats Directive, as well as the Council Regulation 338/97 and Commission Regulation 1808/2001. It combines a number of provisions that were previously included in different acts, *Vogelwet 1936* (Bird Protection Act) *Jachtwet* (Hunting and Shooting Act), *Natuurbeschermingswet Hoofdstuk V: soortenbescherming* (Nature Conservation Act, section V: species protection), *Nuttige Dierenwet 1914* (Domestic Animals Act) and the *Wet bedreigde uitheemse dier-en plantensoorten* (Endangered Exotic Animal and Plant Species Act).

Relevant legislation

The following summary of regulations for the protection of endangered species in the Netherlands is only intended to be descriptive and is not a comprehensive list.

- Acts

- Flora and Fauna Act (*Flora- en faunawet (Stb. 1998, 402)*)
- Act of 24 April 2002 regarding amendments to provisions of the Flora and Fauna Act concerning hunting regulations (*Wet van 24 april 2002, houdende wijziging van een aantal bepalingen van de Flora- en faunawet in verband met een verbod op de drijfjacht (Stb. 2002, 236)*).

- General Administrative Orders

- Decree on the designation of animal and plant species under the Flora and Fauna Act (*Besluit aanwijzing dier- en plantensoorten Flora- en faunawet (Stb. 2000, 523)*);
- Decree on exempted protected plant and animal species (*Besluit vrijstelling beschermde dier- en plantensoorten (Stb. 2000, 525; gewijzigd bij besluit van 23 oktober 2001, Stb. 2001, 499)*)

- Orders in Council

- Regulation on designation of animal and plant species under the Flora and Fauna Act (*Regeling aanwijzing dier- en plantensoorten Flora- en faunawet (Stcrt. 2002, 51)*)
- Regulation on designation of customs offices concerning protected animal and plant species (*Regeling aanwijzing douanekantoren beschermde dier- en plantensoorten (Stcrt. 2001, 220)*)
- Regulation on fees for permits and certificates required under the Flora and Fauna Act (*Regeling tarieven Flora- en faunawet (Stcrt. 2001, 220)*)
- Regulation on designation of enforcement officers (*- Regeling aanwijzing toezichthouders Flora- en faunawet (Stcrt. 2001, 220)*)
- Notification on lists of protected native species (*Bekendmaking lijsten beschermde inheemse diersoorten (Stcrt. 2001, 220)*)
- Regulation on exemption under protected animal and plant species, Flora and Fauna Act (lastly amended by Rule of 24 July 2002) (*Regeling vrijstelling beschermde dier- en plantensoorten Flora- en faunawet (Stcrt. 2002, 51)*)
- Regulation on the registration of the possession and trade in animal and plant species (*Regeling administratie bezit van en handel in beschermde dier- en plantensoorten (Stcrt. 2002, 51)*)
- Regulation on issue and characteristics of closed footprints and other markings (*Regeling afgifte en kenmerken gesloten pootringen en andere merktekens (Stcrt. 2002, 51)*)

Details and content of legislation

Further details of these regulations, where relevant, are given below:

- **Flora and fauna Act (amended by law of 24 April 2002)**

Flora-en faunawet (Stb.1998, 402; gewijzigd bij wet van 24 April 2002, stb. 2002.236)

Under section 13 (1), it is forbidden to request for purchase, purchase or acquire, hold for sale or stock, to sell or offer for sale, to transport, offer for transport, supply, use for commercial gain, to hire or hire out, exchange or offer for exchange, to trade or show for trade purposes, or to hold any plant or plant products from a protected indigenous or exotic plant or any animal species or eggs, nests or animal products from a protected native or non-native animal species within the territory of the Netherlands or outside it.

It follows that in the Netherlands the bans placed on species designated under section 13 also apply to species listed in one of the appendices of the Council Regulation.

On the basis of section 75 of the Flora and Fauna Act, the Ministry of Agriculture, Nature and Food Quality (formerly known as the Ministry of Agriculture, Nature Management and Fisheries) can grant an exemption or dispensation from the bans under section 13 (1) of the Flora and Fauna Act. Exemptions are general and not aimed at a specific group. Dispensations on the other hand, are meant for one specific person. This means that a valid CITES import permit grants an exemption from the ban to allow specimens to be brought into the territory of the Netherlands. For some animal species, including primates, a ban on keeping as a pet is in force.

- **Regulation on designation of animal and plant species under the Flora and Fauna Act (*Regeling aanwijzing dier-en plantensoorten Flora-en faunawet (Stcrt.2002, 51)*)**

The designation of protected species takes place in the Flora and Fauna Act itself, in the Regulation on designation of animal and plant species under the Flora and Fauna Act and under the *Regeling aanwijzing dier-en plantensoorten Flora- en faunawet*. This concerns non-native species that have usually been designated as species requiring national protection under the terms of international agreements. In section 4 of this regulation all CITES non-native species are designated as protected species. Native CITES species are designated under the Flora and Fauna Act or the *Besluit aanwijzing dier- en plantensoorten*.

To determine whether a species is regarded as native, the Notification concerning lists of protected native animal species (*Bekendmaking lijsten beschermde inheemse diersoorten Stcrt. 2001, 220*) can be consulted.

- **Regulation on exemption under protected animal and plant species, Flora and Fauna Act (lastly amended by Rule of 24 July 2002) *Regeling vrijstelling beschermde dier-en plantensoorten Flora- en faunawet *Stcrt. 2005,51; laatstelijk gewijzigd bij regeling van 24 juli 2002, Stcrt. 2002 nr. 139***

This regulation lays down the conditions under which an exemption can be granted under the Council Regulation 338/97 and Commission Regulation 1808/2001.

- **Regulation on issue and characteristics of closed footrings and other marks (*Regeling afgifte en kenmerken gesloten pootringen en ander merktekens (Stcrt.2002,51)*)**

This regulation lays down rules regarding technical specifications, the application for and issue of footrings and other marks. Conditions for the marking of reared birds with footrings are laid down in section 36 of the Commission regulation. A closed footring issued in the Netherlands must bear the letters NL, the internal diameter of the ring to one tenth of a millimetre, the last two figures of the year in which the ring may be fitted and an individual identification number. The compulsory use of a microchip transponder or other marks complies with the provisions in section 36 of the Implementation Regulation.

- **Regulation on the registration of the possession and trade in animal and plant species (*Regeling administratie bezit en handel in beschermde dier- en plantensoorten*)**

This regulation stipulates that records must be maintained of possession and trade in certain species by traders and private persons in order to comply with certain exemptions and lays down rules for these records. This compulsory record-keeping is necessary for the control on compliance with the Flora and Fauna Act and its accompanying Council Regulation and Commission Regulation.

- **Regulation on fees for permits and certificates required under the Flora and Fauna Act (*Regeling tarieven Flora-en faunawet (Stcrt.2001,220)*)**

As of 1 April 2002 the following tariffs apply for the issuing of CITES documents. Payment must be made before the document is issued.

- import permit as referred to in section 4 of the Council Regulation:	EUR 50,--
- export permit as referred to in section 5 of the Council Regulation:	EUR 50,--
- re-export certificates referred to in section 5 of the Council Regulation:	EUR 50,--
- appendix as referred to under a, b or c (a maximum of 3 species per appendix)	EUR 50,--
- EC certificate referred to in section 10 of the Council Regulation	EUR 10,--

2 Provisions for sanctions

The Netherlands has included the following sanctions in national law, to be applied in the event of infringements:

Act on economic offences (amended on 31 October 2002)

(Wet op de economische delicten (Stb. 1950, K258, laatstelijk gewijzigd bij de wet van 31 oktober 2002, Stb. 542)

This Act provides for sanctions under criminal law in the event of offences under the Flora and Fauna Act and its Council Regulation. Under section 1a of this Act offences under section 13 of the Flora and Fauna Act are regarded as economic offences. A maximum of 6 years' imprisonment and a maximum fine of EUR 45,000 (private individuals) or EUR 450,000 (businesses) apply for these offences.

Flora and Fauna Act (amended 24 April 2002)

(Flora-en faunawet (Stb. 1998, 402 ; gewijzigd bij wet van 24 april 2002, Stb. 2002,236)

Section 112 of the Flora and Fauna Act provides for administrative sanctions for offences under the Act and thus indirectly under the Council Regulation. This section gives the Minister of Agriculture, Nature and Food Quality the authority to enforce an administrative order to ensure compliance with the Flora and Fauna Act. In exercising this authority the Minister of Agriculture, Nature and Food Quality can order plants, animals or products derived from them found on the territory of the Netherlands, in contravention of the Flora and Fauna Act, to be returned to the country of export or origin.

General Administrative Law Act (revised 20 June 2002)

(Algemene wet bestuursrecht (Stb. 1992, 315: laatstelijk gewijzigd bij wet van 20 juni 2002, 318)

Since 1 January 1998 this Act has included rules for the application of administrative enforcement. These rules, in so far as the Flora and Fauna Act does not deviate from them, can be applied if the Minister of Agriculture, Nature and Food Quality decides to enforce an administrative order on the basis of section 112 of the Flora and Fauna Act. The General Administrative Law Act also allows for a penalty to be imposed in the event of infringement.

Provisions for seizures and confiscations

The **Criminal Procedures Act (*Wetboek Strafvordering*)** lays down that the Customs Authorities, the General Inspection Service (*AID*) of the Ministry of Agriculture, Nature and Food Quality and the Police are responsible for seizures. The Ministry of Justice and the Public Prosecutor have final authority. Under the **Decree on Confiscated Goods (*Besluit Inbeslaggenomen Voorwerpen*)** the Ministry of Agriculture, Nature and Food Quality is responsible for the disposal of live and dead CITES specimens (see also paragraph 2.6).

II MANAGEMENT AUTHORITY

3 Designation of Management Authorities

The CITES Management Authority of the Netherlands consists of 3 sections:

Permit section:

Ministry of Agriculture, Nature and Food Quality,
LASER,
Mrs. A.A. Helmens,
P.O. Box 1161,
3300 BD Dordrecht
email: A.A.Helmens@minInv.nl
(About 6 people are employed fulltime in issuing CITES permits)

Policy section:

Ministry of Agriculture, Nature and Food Quality,
Department of Nature,
Mr. H.J. Eggink,
P.O. Box 20401,
2500 EK The Hague
email: H.J.Eggink@minInv.nl
(About 0.6 fulltime equivalent spent on policy issues and general)

Phytosanitary certificates:

Ministry of Agriculture, Nature and Food Quality,
Plant Health Service,
P.O. Box 9102,
6700 HC Wageningen

There is regular contact between the different sections of the CITES Management Authority (MA). Monthly meetings are held between the MA and Enforcement Agencies, i.e. the General Inspection Service (AID) and Customs. Both the MA permit section and the MA policy section take part in CITES Committee meetings in Brussels.

Number of Permits and rate of consultation with Scientific Authority

Documents issued	Quantity issued	From which source W	From which source F	From which source R	Total W/F/R	Endorsed by customs
2001						
Import permits	2690	689	47	64	800 (29.3%)	2029
Export permits	1501					1087
Re-export certificates	708					444
EC Certificates	1763					n.a.
Total	6662					
Rejections	102 (= 1,5 % of all permits)					
Requests for Advice of SA 2001	234 (= 8.7% of all import permits)					

2002						
Import permits	2660	519	22	38	579 (33.2%)	2017
Export permits	1352					943
Re-export certificates	659					458
EC Certificates	2291					n.a.
Total	6962					
Rejections	81 (= 1,2 % of all permits)					
Requests for Advice of SA 2002	192(= 7.2 % of all import permits)					

Estimated staff hours spent on CITES matters per month / ratio staff capacity (by Management Authority permit section) to number of permits

In 2001 the Permit and Policy Section spent approximately 16,220 hours on CITES work. About 5,060 hours were spent on issuing 6,662 permits and certificates. This means that about 46 minutes were spent processing each document. Additional hours were spent on the financial administration of the required fees for permits and certificates.

In 2002 the Permit and Policy Section spent approximately 16,220 hours on CITES work. About 5,060 hours were spent on issuing 6,962 permits and certificates. This means that about 43 minutes were spent processing each document. Additional hours were spent on the financial administration of the required fees for permits and certificates.

The total amount of time per year spent by CITES Management Authority (both policy section and permit section) is as follows:

Hours	Permits	Information/advice	Meetings	Reports	Policy issues	Totals
Permit section						15550
	5060	2480	7540	470		
Policy Section	0	50	250	20	350	670
Total	5060	2530	7790	490	350	16220

Number of captive breeding and artificial propagation facilities visited/checked

No captive breeding and artificial propagation facilities are registered in The Netherlands. There have been no inspections of non-registered facilities in The Netherlands by the SA.

Participation by the CITES Management Authority (permit and policy section) in national, EU and international meetings

- CoP 12 Chile, Mr. H.J. Eggink (head of delegation) and Mrs. A.A. Helmens in Dutch delegation;
- 45th CITES Standing Committee meeting (Paris, June 2001): Mr. H.J. Eggink;
- 46th CITES Standing Committee meeting (Geneva, March 2002): Mr. H.J. Eggink;
- Regional Animals Committee in Germany in November 2001: Mr. H.J. Eggink;
- Meeting of TRAFFIC in Frankfurt on detection and enforcement of EU CITES regulation (November 2001): Mr. H.A.T.G. Koning; Mr. H.J. Eggink

Funding projects, training activities and visits

During 2001 and 2002 the Government of The Netherlands financially supported several CITES-related projects:

- The report "Contribution to an evaluation of tree species using the new CITES listing criteria" by UNEP-WCMC for CITES Plants Committee; follow-up (2nd phase); in progress. (maximum about EUR 60.000)
- Sponsored Delegates Project for the 12th Conference of the Parties (EUR 30.000)
- Contribution to IUCN "Evaluation of the Analyses of proposals to Amend the CITES appendices" for CoP 12 in 2002 (EUR 30.000)
- Contribution to the Syngnathidae workshop, May 2002, Philippines (EUR 8324)
- Support to the Workshop on Freshwater Turtles, Kunming, China 25-28 March 2002 and the Hawksbill Turtle Dialogue, Mexico City, May 2001 and Grand Cayman in 2002, including participation of Dr. Hoogmoed and representatives of the Netherlands Antilles.
- Organisation of 11th Plants Committee meeting, Leiden, Netherlands.
- Contract with Naturalis, Leiden, on office and logistic support for CITES SA
- The Netherlands financially supported a regional representative for Europe in the Animals Committee, Dr. Marinus S. Hoogmoed, for the period until the 12th Conference of Parties in November 2002. Dr. Hoogmoed functioned in the relevant period also as Chairman of the Animals Committee. Dr. Hoogmoed has contributed 60% of his time during this period on a broad range of CITES matters. Dr. Hoogmoed continues to function as co-chair of the Nomenclature Committee and has contributed to the revision of references and checklists.
- The Netherlands financially supported a regional representative for Europe in the Plants Committee, Dr. Ir. Jan de Koning, for the period until the 12th Conference of Parties in November 2002.

4 Procedures to establish the ancestry of captive bred animals

Records must be kept by holders of CITES species listed in Appendix A or B in order to prove that animals were born and bred in captivity. This does not apply to birds from Appendix B if they have been fitted with a seamless closed footring. The rules for record-keeping are laid down in the Regulation on the registration of the possession and trade in animal and plant species (*Regeling administratie bezit en handel in beschermde dier- en plantensoorten*). With the help of these records the holder must be able to demonstrate clearly how these animals were obtained and the legal origin of the species.

Work is currently taking place to develop a model register. The Ministry of Agriculture, Nature and Food Quality will reference the records according to name of holder, it will also use serial numbers and a watermark. It will be easy for the user to see which information has to be recorded.

The model register requires the holder to list his stocks of protected animals at any given moment. This inventory is important in order to obtain an idea of the number and species of animals held in stock on the date of implementation of the regulation. Any changes after this date should then be easy to identify from the register. This also applies to breeding results.

The use of the model register recorded by name will be made compulsory and provided at cost price to any applicant within the framework of the Regulation on the registration of the possession and trade in animal and plant species. An extra procedure must be carried out to prove the legal origin of hawks (*Accipiter gentilis*) born and raised in the Netherlands, in addition to the Regulation on the registration of the possession and trade in animal and plant species. DNA profiles must be submitted for these birds so that their origins in relation to one of the parents can be proved. The DNA material must be taken from one parent and its offspring by a veterinary surgeon or an AID Inspector. The Dr. Van Haeringen Laboratorium B.V. in Wageningen will carry out the tests at the request of and cost to the applicant.

5 Procedures for marking specimens in compliance with article 36

Exemptions from the trading ban often require animals to be provided with an identifying mark as required under article 36 of the Commission Regulation. This requirement to mark birds bred in captivity is regulated under the Regulation on issue and characteristics of closed footrings and other markings (*Regeling afgifte en kenmerken gesloten pootringen en andere merktekens (Stcrt. 2002, 51)*). See Legislative Measures. Footrings issued in the Netherlands show the letters NL, the internal diameter to a tenth of a millimetre, the last two numbers of the year in which it may be fitted, and an individual number for each ring size. This rule applies since 2002, but is in effect only since 2003. The rings are issued by accredited private bird-keepers organisations.

III SCIENTIFIC AUTHORITY

6 Scientific Authority

Information

The CITES Scientific Authority (SA) of the Netherlands has a committee-structure (and is also referred to as "CITES committee"), and has 9 members with expertise in zoology or botany, nature conservation and animal welfare. The members are active scientists working at universities, zoological gardens, botanical gardens, herbaria and rescue centres.

The Scientific Authority accomplishes all the tasks required in the provisions of the convention, relevant resolutions, the CITES Strategic Vision to 2005, relevant EU-regulations and National Legislation. Activities of the Scientific Authority in 2001-2002 include i.a.:

advices to the Government on policy and implementation of regulations relevant for species conservation, 420 advices on non detriment findings for imports of CITES-species from third countries, advice to the Netherlands Government and to the SRG on positions on amendments during the 12th CITES Conference, providing expertise to wildlife inspectors and courts of justice in the identification of species, providing advice to the Management Authority and wildlife inspectors on nomenclature of species, providing expertise on CITES resolutions to the legal services of the Ministry and providing advice on the housing and care for animal species.

Designation and legal status

The Scientific Authority is designated by the Minister of Agriculture, Nature Management and Fisheries as required in Article 9a of the Endangered Species Act (Wet BUDEP) and functions since 1986 as the Scientific Authority for the Netherlands. Since 1 April 2002 the Scientific Authority is based on Article 82 of the new Flora- and Fauna Act. The Scientific Authority has a full time secretary, appointed by the Ministry of Agriculture, Nature and Food Quality, who is the contact person of the Scientific Authority.

Contact details

Drs. Chris Schürmann.
CITES Scientific Authority of the Netherlands
National Museum of Natural History
Postbus 9517, 2300 RA Leiden
Tel # 31 71 568 7591
Fax # 31 71 568 7666
Email c.l.schurmann@minlnv.nl

The Scientific Authority doesn't have a separate website, but a page on the website of the Ministry of Agriculture, Nature and Food Quality www.minlnv.nl/cites and on the website of the National Museum of Natural History: www.naturalis.nl/asp/page.asp?alias=nnm.ceno&id=i000239

The address of the Scientific Authority is noted on the website of the CITES Secretariat under National Contacts, the Netherlands: http://www.cites.org/common/directy/e_directy.html, and Jardin Botánico de Córdoba under the Netherlands:

<http://www.uco.es/organiza/servicios/jardin/ingles/address/marcdirec.htm>

Independence between Management Authority and Scientific Authority

Since 1997 the Scientific Authority has functioned as an independent advisory body of the Government, based on the Advisory Bodies Act (Stb. 378, 1996). Full independence of the Scientific Authority in relation to any other organization or person is guaranteed in this act. The secretary of the Scientific Authority is exclusively responsible to the Scientific Authority itself. In 1997 the secretariat of the Scientific Authority was moved from the Ministry in the Hague to the National Natural History Museum in Leiden, in order to underline the independent position of the Scientific Authority and also to facilitate communication with the scientific community. The Scientific Authority produces a yearly working plan and budget proposal for adoption by the Minister. This is copied to Parliament. Apart from advising on permit applications, the

Scientific Authority advises to the Government on policy in the field of endangered species in a broad sense, both on request as well as by its own initiative. The Government has to provide a copy of uncalled-for advices to Parliament and is obliged to respond within a certain time limit, equally with a copy to Parliament.

Contribution to meetings

- **National**

- The Scientific Authority holds about 5 plenary full-day meetings per year. Members of the Scientific Authority and the secretary have elaborate correspondence in between meetings.
- Members of the Scientific Authority and the secretary attended a one-day symposium on concerted activities in the field of nature conservation and animal protection, in Leiden, December 2002.
- The secretary of the Scientific Authority attended several meetings of IUCN, Netherlands

- **EU**

- The secretary and members of the Scientific Authority attended all meetings of the Scientific Review Group in Brussels (3 days per year).
- The secretary of the Scientific Authority and Dr. Hoogmoed attended two Expert meetings in Brussels in preparation of CoP12, in July and September 2002.

- **International**

- Dr. M.S. Hoogmoed, zoologist of the Scientific Authority, was regional representative for Europe in the Animals Committee in the years 2001 and 2002 until CoP12. Until the 12th Conference Dr. Hoogmoed was chairman of the Animals Committee. As the chairman of the AC Dr. Hoogmoed attended the meetings of the Standing Committee in Geneva in 2001 and 2002.
- Dr. Hoogmoed and the secretary participated in the 17th and 18th meeting of the Animals Committee.
- Dr. Hoogmoed is also co-chairman of the Nomenclature Committee and remains in that function after CoP12.
- Dr. Ir. J. de Koning, botanist of the Scientific Authority, was regional representative for Europe in the Plants Committee in the years 2001 and 2002 until CoP12.
- Dr. Ir. de Koning participated in the 11th meeting of the Plants Committee in 2001 and Dr. Ir. de Koning and the secretary participated in the 12th meeting of the Plants Committee in 2002, which they organized in Leiden, the Netherlands.
- Dr. Hoogmoed, Dr. Ir. de Koning and the secretary participated in the Netherlands delegation at the 12th Conference of Parties in 2002.
- The secretary of the Scientific Authority attended and Dr. Hoogmoed chaired a three-day European Regional Seminar for animals in Germany in November 2001.
- The secretary of the Scientific Authority, Dr. Ir. de Koning and Prof. Dr. Ir. van der Maesen attended a five-day European Regional Seminar for plants in Turkey in April 2001, which was chaired by Dr. Ir. de Koning.
- Dr. Hoogmoed, representing the Animals Committee, and Dr. Ir. de Koning, representing the Plants Committee, attended the meeting of the CITES Criteria Working Group in Baeza, Spain in May 2001. The results of the CITES Criteria Working Group were discussed at a meeting of Dr. Hoogmoed with the Secretariat in Geneva in November 2001.
- Dr. Hoogmoed attended the Hawksbill dialogue meetings in Mexico City in 2001 and in the Cayman Islands in 2002, with further participation of the Netherlands Antilles.
- Dr. Hoogmoed chaired the Seahorse workshop in Cebu, the Philippines in May 2002, and Dr. Hoogmoed also chaired the Technical Workshop on conservation of and trade in freshwater turtles and tortoises in Asia, in Kunming, China in March 2002.

The secretary of the Scientific Authority attended a two-day seminar of IUCN, Netherlands Committee, on harmonisation of Red Lists in Europe, in Leiden, November 2002.

Volunteers or paid experts/employees

- The secretary of the Scientific Authority is paid in full by the Ministry of Agriculture, Nature and Food Quality.

- The National Natural History Museum is compensated financially for one day per week (20% of his time) for Dr. Hoogmoed's time spent on tasks of the Netherlands Scientific Authority. During his chairmanship of the Animals Committee this compensation was increased to 3 days per week (60% of his time).
- The Botanical Garden of the Leiden University is compensated financially for one day per week for Dr. Ir. de Koning's time spent on tasks of the Netherlands Scientific Authority.
- Other members of the Scientific Authority are compensated with attendance money and travel costs for the plenary meetings of the Scientific Authority.

Ratio of hours/months spend on permit applications

In 2001 the Scientific Authority produced 96 advices on request of the Management Authority; including non-detriment findings for 229 species-country combinations.

In 2002 the Scientific Authority produced 88 advices on request of the Management Authority; including non-detriment findings for 191 species-country combinations.

In 2001 the Scientific Authority gave 5 advices on species captive bred status in the Netherlands.

In 2002 the Scientific Authority gave 1 advice on breeding of a species in the Netherlands. The facilities were not visited by the Scientific Authority.

Roughly estimated some 880 to 960 hours per year have been spent on preparing advices for permit applications; this means on average 10 hours per permit or an average of 4 hours per individual non detriment finding.

IV CUSTOMS

7 Designation of Customs Offices

Below, we describe how Article 12 (1, 4) of Council Regulation 338/97/EC is implemented in Dutch law.

Article 81 (2c) of the Flora and Fauna Act provides scope for designating places where protected plant and animal species may legally be imported into the Netherlands. This is laid down in more detail in a regulation designating customs offices for protected plant and animal species (*Regeling aanwijzing douanekantoren beschermde dier- en plantensoorten*). The order designates the following customs offices:

A. for the import of live animals:

Schiphol- Cargo centre building, Handelskade 130;
Schiphol- WTC building, Amsterdam Airport Schiphol;
Maastricht-Aachen Airport, passenger processing;
Maastricht-Aachen Airport, freight processing;

B. for the import of living plants and products, nests and eggs, and plant products:

All customs offices.

There are no specially designated offices for exceptional introduction and export.

8 Customs procedures for completing documents

This refers to Articles 12, 14 and 17 of Regulation 1808/2001/EC

Import

The customs officer collects the CITES import permits and completes block 27, signs it and stamps it with a metal customs stamp. The customs officer then processes the checked permit as follows:

The original (white) and the originals of any additional pages are sent to CITES-MA. If, according to the information in block 24, the original CITES export or re-export document has not been collected by the CITES MA (permit section) of the country of origin, the customs officer collects this document as well and also sends it to CITES MA (permit section).

The yellow copy of the import permit is also signed and stamped with a metal customs stamp (in block 27). It is then returned to the party concerned.

This procedure is also followed when the final destination of the consignment is another Member State of the European Union (and the import permit has been issued by that Member State). CITES MA (permit section) ensures that the original documents are forwarded to the management authority concerned.

Each consignment must be accompanied by a separate import permit. A permit may not be used more than once. When the number of specimens actually imported is less than the number stated on the import permit, the customs officers makes a note of this in block 27. The importing party may not send the remaining number in a next consignment on the basis of the same permit.

The information on the permit is used by CITES MA (permit section) in its statement on actual number of imported specimens per import permit in its Annual Report.

Notification of import

The customs officer stamps the notification of import in block 14. The original document is sent to CITES MA (permit section). The yellow copy is given to the importing party. CITES MA (permit section) attaches copies of all received notifications of import to its Annual Report.

Export

After checking the validity of the document, the customs officer completes block 27 of the CITES (re-)export document. The document must state the actual number of exported specimens. Finally, the customs officer places his or her signature in block 27 and stamps it with a metal customs stamp. Once checked, signed and stamped, the certificate is processed as follows: the original (white) and the yellow copy are returned to the exporting party. The original will accompany the consignment, the yellow copy is to be kept by the exporting party. The light-green copy is completed by the customs officer, then signed and stamped and returned to CITES MA (permit section). CITES MA (permit section) ensures that the light-green copy is forwarded to the appropriate management authority.

Declaration of export made up in another Member State

If the export declaration has already been made up in another Member State, the customs officer returns the documents accompanying the consignment to the party concerned after checking them. The documents must accompany the consignment so that they can be handed over at the point of import in the third country.

9 Customs procedure for forwarding forms to the Management Authority (permit section)

Customs sends documents to CITES MA on a regular basis. Once a year, usually before publication of the Annual Report, CITES MA puts out a call to all customs offices to return any documents still in their possession. The administrative bodies which receive these documents then forward documents issued by other Member States and any other supplementary CITES documents without delay to the appropriate administrative bodies.

10 Procedures for seizure of specimens in the event of breaches of CITES

In the event of a breach of CITES, goods may be seized by the Dutch Customs, the General Inspection Service of the Ministry of Agriculture, Nature and Food Quality or the Dutch police force. In the event of breaches, the specimens -- living or dead -- or products found must always be taken off the market, either voluntarily or by seizure of the goods. Under Article 1 of the decree on seized goods (*Besluit inbeslaggenomen voorwerpen*), LASER office in Diemen is the designated custodian of the seized goods -- plants and animals whether living or dead. See also points 11 and 12. The goods are placed in keeping with designated safekeepers. The Ministry of Justice and the Department of Public Prosecution are ultimately responsible for this. All this is laid down in the Code of Criminal Procedures and the Enforcement Document of the Department of Public Prosecution.

11 and 12 Description of procedures for the disposal of seized specimens (living and dead)

The official procedures to be followed with regard to the seizure of specimens belonging to an endangered species are laid down in a scenario for the competent authorities. LASER-IBG, the confiscated goods team of the Ministry of Agriculture, Nature and Food Quality, is responsible for the storage of dead or living specimens after they are seized. There are contracts with various rescue centres for the temporary housing of live animals or plants. The contracts lay down the parties' respective responsibilities, the species to be housed, staff qualifications and financial reimbursement. Administrative and physical checks are regularly carried out of the institutions.

LASER-IBG is also responsible for the final destination of the seized specimens once the public prosecutor has decided what is to be done with them. This decision is made after consultation with the Dutch CITES Scientific Authority and always takes account of CITES and EU regulations. Live animals or plants may be returned to the wild, or to the country of origin. They may also be placed in a zoo or rescue centre. Under strict conditions, they may be transferred or handed over to private persons. Dead specimens may be used for educational purposes or are destroyed.

Until now, only artificially propagated plants have been issued with a Phytosanitary certificate and an EU certificate and sold commercially.

List of designated customs offices and -- per office -- total number of officers and number of officers trained to carry out CITES controls

Rotterdam Customs Office: 24 focal points whose duties exclusively concern the enforcement of CITES and the Flora and Fauna Act, on-the-job training in CITES, extension to port workers and schools, etc. Next to these full-time focal points, there are 8 trained focal points in Rotterdam who can be contacted in order to ensure the effectiveness of the primary process.

Western Customs Office (Schiphol): 24 focal points stationed at different locations, namely:

seven in the Schiphol Station building

nine at the Schiphol Cargo Centre

three at Rotterdam Airport

three in Amsterdam

one in Den Helder

one in Heerhugowaard.

There are also 4 focal points trained on the job, who have not yet had formal training.

Southern Customs Office (Maastricht): 5 focal points working from the following locations:

Heerlen office

Venlo office

Ossendrecht, Zoomweg office

Breda, Hazeldonk office

Vlissingen office.

Focal points are on call at Maastricht Airport.

Northern Customs Office: 8 focal points working from the following locations:

Meppel office

Groningen office

Veendam office

Oldenzaal, Hanzepoort office

Oldenzaal, A1 motorway office

Duiven office, unit 1

Duiven office, unit 2

Amersfoort office

There are no focal points stationed permanently at Groningen Airport (Eelde) or Twente Airport, but focal points are on call.

Exchange of information between customs and other enforcement bodies (police, National Forest Service, etc.), the Management Authorities and the judiciary (public prosecutors, courts, etc.)

There is a CITES network in the Netherlands in which the following bodies participate:

Revenue Office/Customs, CITES MA (permit section), Royal Marechaussee (KMAR), the Ministry of Agriculture, Nature and Food Quality, The Department of Public Prosecution, the National Police Force, IUCN, WWF-TRAFFIC and the General Inspection Service (AID). If necessary, information is relayed through CITES MA to the CITES Secretariat in Geneva. There are monthly consultations between CITES MA (policy and permit section), AID, Customs and LASER-IBG.

There are ad hoc operational contacts between the members of the network, but there is no formal consultative structure. Ad hoc contacts pertain to operational information.

The existence of an electronic database to record infractions at national level (no. of seizures, no. of confiscations, fines, value of shipment, etc.)

The automated system *Douane Fraude Bestrijding* (DFB) is used in the Netherlands. All recorded breaches must be notified to the Customs Information Centre (DIC) via the DFB system. The system provides an accurate overall picture of corrective results of the conducted controls. These results can be used in risk

analyses and help identify trends. Each quarter, the DIC provides LASER with a list of recorded breaches. LASER passes this information on to the European Commission and the House of Representatives of the States-General, in accordance with its information obligations.

Rate: (no. of seizures/reported infractions/year) versus (no. of permit applications/year)

Rate: (no. confiscations/year) versus (no. seizures/reported infractions/year -- distinguish between airports, sea ports, other)

For the three main customs offices (e.g. major airports) in terms of CITES trade: (no. CITES seizures/year) versus (no. seizures*/year)

The customs cannot answer these three questions with the current level of automation. They would first have to adapt customs registration systems, which might be a possibility in the future. This is not, however, a short-term possibility in view of the severe budget cuts by the present Government.

V OTHER ENFORCEMENT BODIES

13 Other designated enforcement bodies authorised to seize goods

Besides the Customs Authorities and the General Inspection Service (AID) of the Ministry of Agriculture, Nature and Food Quality, CITES regulations are also enforced by the national police force (including the Central Bureau of Criminal Investigations). In the event of breaches, the specimens -- living or dead -- or products found must always be taken off the market, either voluntarily or by seizure of the goods. The Dutch national and regional police forces are authorised to conduct investigations and seize animals and products which trade is illegal under Dutch laws implementing CITES. All executive police officers have this authority. In actual practice, investigations and seizure of goods are usually carried out in close cooperation with AID due to police officers' lack of specific knowledge in this field.

14 Description of the procedures for seizing specimens and, if necessary, arresting owner

The seizure of goods is regulated by Articles 94 to 119a of the Code of Criminal Procedure (*Wetboek van Strafvordering*). There is no room to describe these articles in detail here. The main point of these articles is that they enable an effective enforcement of Council regulation 338/97 by the competent national authorities.

Number of full-time and part-time wildlife inspectors in the Netherlands (or hours spent on CITES matters/controls) for each enforcement body.

Since 2001-2002, 27 AID inspectors have been trained as CITES specialists. Their duties concern the enforcement of CITES regulations. At the Central Bureau of Criminal Investigations, about 7 people are charged with this task.

Furthermore, CITES is an integral part of the work by Customs and Police officers, with specific "CITES focal points". Therefore the "ears and eyes" for CITES control are much broader than only the number of wildlife inspectors alone (see also 17).

Ratio: (no. established CITES violations/year) to (no. established general violations/year) for each enforcement body

No information available regarding this ratio. But CITES violations to all general violations is low. Information on the number of recorded CITES violations and the rate of court cases to CITES court cases is given in chapter VII.

VI TRAINING ACTIVITIES

15 Training attended by and/or organised by the CITES Management Authority

TRAFFIC Workshop (CITES enforcement meeting)¹

On 5 and 6 November 2001, an international expert workshop on the enforcement of wildlife trade controls in the EU was held in Frankfurt, Germany. The workshop was organised by TRAFFIC with support of the European Commission. The Dutch Department of Public Prosecution, the Environmental Crimes Unit (UMC) of the Dutch police force and the CITES Management Authority contributed to the workshop.

General extension on new national legislation (Flora and Fauna Act)

On 5 June 2002, a big enforcement gathering was organised in Huizen about the Flora and Fauna Act and CITES. The event was organised together with the General Inspection Service in view of the new Flora and Fauna Act which had come into effect on 1 April 2002. This major event, in which all aspects relating to CITES in the Netherlands were reviewed, was attended by about 150 officials of the Ministry of Agriculture, Nature Management and Fisheries, the General Inspection Service, the Customs Service, the Police Force, the Military Policy, the Department of Public Prosecution and the CITES Scientific Authority. There were lectures on Dutch biodiversity policy (including CITES), the Flora and Fauna Act, European regulations and the different roles of law enforcement bodies. In the afternoon, law enforcement bodies gave presentation on the role of investigation units in solving serious environmental crimes (UMC), the coordination of seized animals and plants (LASER), and the new enforcement law the Flora and Fauna Act (Dept. of Public Prosecution) which lays down the manner of enforcement. The event was unanimously considered to be a great success.

Various brochures on the Flora and Fauna Act have been published for the general public. The brochures explain the new rules, and include a specific section on the CITES related aspects of the Act i.e. the trade, ownership and preparation of protected plants and animals.

Training for the judiciary

On 2 October 2002, an informative session on CITES legislation was held for members of the judiciary and the clerks of the public prosecutors of the courts of Haarlem and Amsterdam. Schiphol International Airport falls under the jurisdiction of the court of Haarlem. The session was organised jointly by the Department of Public Prosecution, the Customs Service and the CITES Management Authority. Regulations were explained and seized goods were displayed. Participants considered it to be an educational and useful day.

Netherlands Antilles: CITES training seminar

The Ministry of Agriculture, Nature and Food Quality of the Netherlands, together with the Ministry of Health and Social Development of the Netherlands Antilles and the CITES Secretariat organised a CITES training seminar on Curacao from 4 to 7 March 2002. The seminar was a follow-up to a similar course held on Aruba in 1998. Since 1998, new legislation implementing CITES is in force on the Netherlands Antilles. An effective implementation depends particularly on proper training of enforcement officers. The training seminar was attended by about 40 officials of various organisations (customs, coast guard, public prosecutors, CITES MA and SA). Most participants were from the Netherlands Antilles, but also from Aruba and the Netherlands. The training seminar gave a new impulse to the effective enforcement of CITES in the Kingdom of the Netherlands.

Plant Protection Service

In collaboration with the General Inspection Service and the CITES Scientific Authority, the CITES Management Authority (permit section) arranged two extension sessions for Plant Health Service staff involved in the implementation of CITES regulations. The one-day sessions were held on 4 and 11 October, 2002. Special attention was given to the use of phytosanitary certificates as CITES export permits.

¹ In this case, the fact that the Department of Nature Management and LASER (policy and permit section of MA) are distinct bodies has been disregarded.

16 Training activities by the CITES Scientific Authority

- The secretary of the Netherlands' CITES SA participated in the CITES MSc course in Cordoba, Spain.
- SA members and the secretary contributed to the training of wildlife inspectors.
- The SA secretary gave one-day training sessions in 2001, for an MA representative from Hong Kong, and in 2002, for an SA member.
- Dr Hoogmoed and the secretary of the Scientific Authority attended a two-day training seminar on animals in November 2001 in Germany.

17 Training activities by the enforcement agencies

Customs

All customs officers are given general information about CITES. Some get special training in CITES related cases (level 2 course, see below, including species determination and knowledge of relevant regulations), after which they act as CITES focal points for their unit. About 60 officers have followed the extended CITES training programme given by the General Inspection Service. Refresher courses are held on a regular basis.

A CITES focal point is present at each customs office. CITES manuals are always on hand, and there is ample opportunity for consulting our reference material. Some customs offices have a computer scanner so that pictures of specimens can be sent to the Scientific Authority for identification, and copies of CITES documents can be sent to the CITES MA for confirmation and a security check (possible false or fraudulent documents).

Police

The Environmental Crimes Unit (UMC) participated in the international working groups, Interpol Working Group on Wildlife Crime and the EU Enforcement Group on CITES.

In 2002 the UMC and the General Inspection Service completed their strategic analysis of Wildlife Crime in the Netherlands.

UMC joined forces with Europol to initiate an active working group on wildlife crime with seven EU Member States (Belgium, Denmark, Germany, Netherlands, Spain, Sweden and United Kingdom). UMC started a joint investigation and made plans to launch an analysis into this subject next year.

A UMC officer assisted in a one-week training course for the Tiger Enforcement Task Force on protecting tigers and conducting investigations into the poaching/smuggling of tigers in India. This course was given together with the CITES secretariat and a US prosecutor and was aimed at investigating officers from various Asian countries.

UMC contributed to research conducted by the Max Planck Institute in Germany for the EU. The research topic was organised environmental crime (including wildlife crime).

General Inspection Service

In 1998, the AID section Nature Conservation "Non-native" comprised 8 inspection officers. In 2001, training and refresher courses on CITES regulations were organised for the inspection officers of this section. Two new inspection officers were hired. Fifteen "native" inspection officers were given additional training in "non-native" regulations, which cost the section 1904 working hours. The additional training in legislation for "non-native" species is not finished yet, primarily because staff were recruited for the control of the Avian Influenza epidemic.

The General Inspection Service organises a CITES training course for enforcement authorities. The course is available at 3 levels.

Level 1: a one-day course followed by hundreds of police and customs officers every year.

This course is intended for field officers of the police and customs services and aims to raise their interest in CITES matters. The course is part of the general training of police and customs recruits and provides a general overview of CITES legislation and species protection. After the course, field officers are better able to spot possible infringements of CITES in the course of their normal work. They can deal with straightforward, routine infringements independently. In cases demanding more specialised knowledge, they can consult the CITES focal point, a colleague with extensive CITES training.

Level 2: a five-day course; extensive CITES training for regional police and customs units; after this course, officers act as CITES focal points for their unit

This course is organised by the General Inspection Service, which employs a Nature conservation teacher especially for this course. The course covers CITES legislation and species protection in considerable detail. Trainees learn to recognise and identify species. On completion of the course, officers can deal independently with the most common breaches of CITES. Because of their more extensive knowledge of CITES, their colleagues often refer to them regarding CITES matters. In more complex cases, and for the identification of protected species, these focal point officers can consult the CITES specialists of the General Inspection Service.

More than 300 police and customs officers followed the course in 2001 and 2002. Police officers who have successfully completed the course are often appointed Police Focal Point for CITES. About 60 customs officers have completed the course until now. Those who have had this extensive training share their knowledge on CITES and protected species with others in their organisation.

Level 3: CITES Specialist training course.

Nature inspectors of the General Inspection Service can follow this modular course to become CITES Specialists. In addition to comprehensive knowledge of national and international legislation, course participants learn to recognise and identify species protected under CITES. There are separate modules for Birds, Mammals, Plants, Reptiles and Amphibians, Fish and Insects, Corals and Shells. Each module is completed with an exam.

So far, fifteen AID nature inspectors have completed the course. Fifteen other inspectors will be following the course over the next few years.

The CITES specialists of the General Inspection Service assist police and customs services in CITES matters and initiates and coordinates investigations into possible breaches of CITES.

Training materials

In 2001 and 2002 AID made the following purchases to assist CITES inspectors in carrying out their duties: chip readers, books on birds, reptiles and amphibians, cactuses, orchids, fish, corals and mammals. AID inspectors, police and customs officers have a great need for comprehensive information on legislation regarding CITES, and the AID Green Helpdesk -- a telephone hotline for external parties and an internal information service -- was established on 1 January 2002 in response to this need. The Green Helpdesk can answer most questions regarding the Flora and Fauna Act and ensure that the information gets to the right person. Tips on smuggling and illegal possession of protected plants and animal species can be passed on to the appropriate enforcement agency.

International participation

The General Inspection Service sent an expert to participate in an enforcement seminar on Traditional Chinese Medicine in the Czech Republic from 8 to 12 May 2001.

The Netherlands Forensic Institute prepared a report on the use of forensic analyses in the enforcement of CITES. The report was written in consultation with other forensic institutes and was sent to the CITES

secretariat. The Netherlands Forensic Institute sent a representative to the international workshop "The use of forensic analysis for CITES enforcement in Europe: current projects and perspectives", which was held from 21 to 23 May 2002 in Sabaudia, Italy. The workshop was organised by the CITES Management and Scientific Authorities of Italy and the Italian State Forest Corps, in collaboration with the Italian wildlife biology society INFS.

On 11 November 2002, Dutch enforcement agencies were party to a meeting of a newly established enforcement body, the European CITES Group. The group convened at the Europol headquarters in the Hague. Representatives from national police forces and other bodies involved in CITES enforcement from Belgium, Denmark, Germany, the Netherlands, Spain, Sweden and the UK attended. One of the main objectives of the new group is to strengthen cooperation in specific investigations of fraud in the light of CITES legislation.

The Netherlands Antilles: About 40 participants followed the CITES training seminar on Curacao (4-7 March 2002). See section 15.

VII INFRINGEMENTS AND LEGAL ACTIONS

18 Accommodation for live specimens at designated customs offices

The Netherlands has a number of designated places for the accommodation of confiscated live plants and animals. The customs authorities are aware of this. After consultations with the competent authority, the CITES Management Authority (permit section), efforts are made to find the most suitable accommodation for any confiscated specimens.

Annex 1 lists the designated places of accommodation under "Survey of rescue centres in the Netherlands".

19 Procedures regarding commercial activities with confiscated specimens

The Team-IBG (Seizure of CITES-goods) of the National Service for the Implementation of Regulations (LASER), an agency of the Ministry of Agriculture, Nature and Food Quality, is responsible for the storage of dead specimens and products and the keeping of live specimens after seizure. Contracts have been concluded with various sanctuaries to temporarily house live animals or plants (see Annex 1). These contracts contain agreements about responsibilities, species to be housed, qualifications and financial arrangements. The institutions are checked periodically, both administratively and physically.

LASER-IBG is also responsible for the final destination of the goods once the Public Prosecutor has decided what is to be done with them. This decision is being made after consultation of the CITES Scientific Authority in the Netherlands and is subject to CITES provisions and EU regulations. Live animals or plants may be returned to the wild, or to the country of origin, they may be placed in a zoo or rescue-centre, or they may, under specific conditions, be transferred or handed over to private persons. Dead material may be used either for educational purposes or destroyed.

There are no special procedures for the refusal of shipments.

Step 3c, as shown in Annex 2, contains a scenario for use and disposal of confiscated specimens. Only artificially propagated plants have been commercially sold with a Phytosanitary certificate and an EU-certificate. The sale can only take place on instruction of the Public Prosecutor, after consultations with LASER-IBG. Large consignments of confiscated plants are auctioned at Aalsmeer (NL), where possible.

Given the high costs of transport and sale small consignments of confiscated plants may be sold to non-commercial bodies at invoice prices.

In 2001-2002 sales of confiscated plants included:

212 specimens of *Neodypsis decari* sold to a bird garden in June 2001

288 specimens of *Cycas revoluta* and 800 *Cycas revoluta* tubers were sold to a nursery after a public call for tenders in May 2001

151 specimens of *Cymbidium*-hybrids were sold to a nursery after public call for tenders in May 2002

20 Infringements and legal actions

The Public Prosecutor

In 2001, 1286 cases under the *Wet Bedreigde en Uittheemse Dier- en Plantensoorten*, the predecessor of the Flora and Fauna Act, were brought before the Public Prosecutor. In 2002 there were 301 cases. This does not mean that in 2002 the enforcement of CITES rules was less strict. The following two aspects have played a role here:

- As of 1 November 2000 a pilot has been in place for the administrative transaction of environmental infringements. The pilot involves nine administrative bodies, including customs authorities at Schiphol Airport. They presented the Public Prosecutor with 709 administrative transactions, 80% of which were settled through payments. In 15% of the cases there is no such settlement and the offender is summoned to appear before an economic police court. In most cases fines are imposed which are generally 20% higher than the original transaction amount. In less than 2% of the cases, the case is dismissed.
225 of the 301 cases in 2002 came from the customs authorities at Schiphol Airport. Generally these are the more serious cases, which cannot be settled out of court (through an administrative transaction). The remaining cases in 2002 (76) were brought forward by the customs authorities of Rotterdam-Rijnmond or by the General Inspection Service (AID).
The settlement of all these 301 cases cannot be traced. Generally 60% of cases is settled by administrative transactions, in 30% of cases a writ of summons is issued and 10% is dismissed or consolidated *ad info*.
- As of 1 April 2002 the Flora and Fauna Act has been in force. We cannot as yet decide how this has affected the above statistics.

It should also be noted that in 2002 an enforcement document for the Flora and Fauna Act was drawn up as a guideline for the cases to be presented to the Public Prosecutor. It is therefore quite likely that the number of serious cases brought before the Public Prosecutor under the Flora and Fauna Act could increase. In conclusion it should be noted that the CITES cases make up 8% of the total cases of environmental infringements.

A survey of the cases presented to the Public Prosecutor over 2001 and 2002 is attached (Annex 3).

A survey of the goods seized on entry in the EU in the Netherlands over 2001 and 2002.

Quantity	Seizures in 2001		Seizures in 2002	
	Products/ Dead	Live	Quantity Products/ Dead	Live
Tridacnidae			Tridacnidae	
		85		47
		85		47
Equidae			Equidae	
		168		93
		168		93
Felidae			Felidae (dead)	
		36		49
		34		49
		2		
Koraal			Koraal	
		384		238
		381		230

	3		8
Cactacea		Cactacea	
	47		16
	30		
	17		16
Serpentes		Serpentes	
	54		53
	50		52
	4		1
Crocodylidae		Crocodylidae	
	30		24
	30		24
Plants		Plants	
	75		102
	21		64
	54		38
Strombus gigas		Strombus gigas	
	149		105
	149		105
Caviar		Caviar	
	19		20
	19		20
Musk		Musk	
	26		76
	26		76
TCM		TCM	
	117		180
	117		180
American Ginseng		American Ginseng	
	143		215
	143		215
Cheloniidae		Cheloniidae	
	8		4
	7		3
	1		1
Testudinidae		Emydidae	
	17		2
	3		
	14		2

Emydidae	1	Testudinidae	10
	1		4
			6
Ivory & Elephants	17	Ivory / Elephants	44
	17		44
Leather (Unknown species)	5	Leather (Varanus spp.)	5
	5		5
Leather (Varanus spp.)	4	Birds	58
	4		48
			10
Primates	3	Diverse	195
	3		195
Birds	22		
	13		
	9		
Diverse	97		
	83	Total	1536
	14		1454
Total			82
1507			
1385			
122			

Many of the goods seized were brought into the country by private persons, and concerned souvenirs from abroad. WWF and the Ministry of Agriculture, Nature and Food Quality have launched a campaign to raise people's awareness on the regulations in place (See also: IX Communication).

In several cases the countries of export were informed about the seizures. Shipments have rarely been returned to the country of export.

AID (General Inspection Service) inspections in the Netherlands, specifically targeted at CITES matters: 2001 - 2002

2001

CITES			
Number of targeted inspections	Number of offences	Number of official reports	Number of official warnings
814	86	86	0

IATA (animal welfare transport regulation)			
Number of targeted inspections	Number of offences	Number of official reports	Number of official warnings
442	24	18	6

2002

CITES			
Number of targeted inspections	Number of offences	Number of official reports	Number of official warnings
1572	44	44	0

IATA (animal welfare transport regulation)			
Number of targeted inspections	Number of offences	Number of official reports	Number of official warnings
1024	21	17	4

Confiscations in general have decreased. The following developments had a role in this:

- The KLM inspection station is the only station accredited to authorise the import and inspection of live animals entering the EU (for veterinary reasons) but has no longer been used by other airline companies. Birds, reptiles and mammals more often enter the EU now via the airports of London, Paris, Brussels and Frankfurt.
- International traders also tend to turn to other European airports for the transport of products and/or dead specimens. This is why Schiphol authorities come across fewer consignments of CITES specimens such as hides and ivory.
- Customs and Police authorities have handled more cases on their own. Fewer cases are taken over by the AID from customs authorities and the police (officials of other inspection services are now being assisted by AID inspection officers in investigating reporting and processing cases). This also brings down the number of confiscations dealt with by the AID itself. One case is worth to mention: The AID did take over the cases from Amsterdam and Vlissingen customs authorities concerning the importation of tropical wood from Brazil (*Swietenia macrophylla*) in 2002. This did take some time. But after intervention from the CITES Management Authority and extensive correspondence with the Brazil Management Authority, the European Commission and the CITES secretariat the consignment could be approved for EU entry.

See also Annex 1 for a survey of confiscated goods.

Customs authorities

In 2003 the customs authorities launched an investigation into possible falsification of used import and corresponding export permits that were the basis of import permits issued in the Netherlands in 2002. The outcome was as follows:

Of 6962 permits investigated 0 turned out to be false.

Number of designated rescue centres for confiscated live animals

There are 12 rescue centres with a contract for confiscated live animals.

Use of benefits generated through sales of confiscated specimens

The proceeds from the sale of confiscated goods go to the State.

Rate: (No. court cases) versus (No. CITES infringements) per year

In 2001, the AID registered 236,345 court cases. 1286 cases were presented to the Public Prosecutor over the same period. CITES infringements made up about 0.005 % of the total number.

Rate: (No. court cases) versus (No. Annex A infringements) per year

No information available

Rate: (No. imprisonment) versus (No. CITES infringements) per year

See annex 3

Maximum sanctions imposed for CITES infringements during reporting period (fines and imprisonment)

See annex 3

VIII PERMITS AND CERTIFICATES

21 The issuance of documents

To be issued a permit an applicant needs to present documentary evidence relevant to the assessment of the application. The documents should be based on the specimen laid down in Regulation (EC) 1808/2001. The application forms can be downloaded from the Internet.

- For an import permit the evidence provided by the applicant is checked on the basis of a copy of the export permit or an re-export certificate. The WCMC website is accessed to check data, for scientific advice, and to find out whether restrictions apply to the country or species in question.
- For an export permit the applicant must be able to demonstrate that the specimens have been obtained legally. He can do so by demonstrating that the species were born in captivity, or reproduced artificially. They may also have legally been taken from nature but that is very rare.
- For a re-export certificate the applicant must demonstrate that the specimens have legally entered the EU. To this end he must present a copy of the import certificate or show that imports took place before CITES regulations came into force.
- All documents should state the characteristics of the species involved to allow verification. When there is reason for doubt the AID is contacted to verify details.

22 The replacement of documents

On expiry a permit or certificate can be renewed. To this end the applicant has to return the original document. If the original document is lost the new permit or certificate must state that it replaces the former permit or certificate. This information must be given in box 23 where the date of issue of the former document is to be written.

Document fees

Import permit	€ 50,-
Export permit	€ 50,-
Re-export certificate	€ 50,-
Annex to the above (maximum of 3 species)	€ 50,-
EC Certificate	€ 10,-

Average time of processing

On average it will take two or three weeks for an application to be processed. However processing takes longer if a scientific body or another CITES Management Authority is to be consulted. With the trading sector it has been agreed that permits for the trade in tubers of species such as *Cyclamen*, *Galanthus* and *Sternbergia* processing will take no longer than 48 hrs.

The electronic system for the issue of documents (not "electronic permits")

An MS Access application is used for the electronic issue of permits. The database involved is based on information used by the WCMC in 1997 for a species database, the database that can be accessed via www.cites.org. Changes resulting from the uplisting en downlisting of CITES annexes have since been added manually. Permits are printed on dot matrix printers.

The electronic database for the storage of data

Data with respect to the issue of permits can be stored and accessed via the CITES ACCESS application

Documents issued and rejected

2001	Quantity	Rejections	Percentage
Import permits	2690		
Export permits	1501		
Re-export permits	708		
EC Certificates	1763		
Total	6662	131	2%
2002			
Import permits	2660		
Export permits	1352		
Re-export permits	659		
EC Certificates	2291		
Total	6962	102	1,5%

	Documents issued	Not used (issued minus endorsed documents)	Percentage
2001	6662	1339	20%
2002	6962	1253	18%

IX Communication

23 Public awareness activities

General information on CITES and the Flora and Fauna Act in the Netherlands

- **Through website**

On Ministry of Agriculture, Nature and Food Quality's site at www.minInv.nl/CITES; The site is linked to the WCMC, CITES-Secretariat, EU and TRAFFIC sites.

CITES-information sheets in Dutch on various subjects aimed at specific target groups (background, rules and legislation):

- Possession and trade and taxidermies (brochure)
- Trade in CITES plants
- Import and export of CITES species
- Souvenirs
- Caviar
- Snakes
- Traditional Chinese Medicine (brochure)
- Timber
- Application forms that can be downloaded from the site for import/export/re-export documents and EC certificates

Texts of legislation in the Netherlands and EU Regulations in pdf-documents

- **Office and hotline**

Keeping the public informed about legislation is an ongoing process. LASER's CITES office has an information hotline, open daily from 8.30 am to 5 pm. It also provides written information in correspondence with private individuals, traders and representatives of non-profit organisations and trade journals.

The Management Authorities have notified Enforcement Agencies and specific target groups/traders of amendments to the regulation.

The CITES Management Authority occasionally participates in information campaigns run by the WWF, TRAFFIC and non-profit organisations such as parrot breeders.

Plant traders receive their information from the Plant Health Service, which is authorised to issue phytosanitary certificates with a CITES accreditation, such as CITES export permits for certain plant species, which are artificially propagated in the Netherlands. The PHS also publishes a manual for traders on export inspections for bulbs and plant materials. The Plant Health Service in turn receives its information from the CITES MA. Any changes are printed in addenda that are distributed to interested parties.

- **Tourists**

A brochure published by the Ministry of Foreign Affairs, entitled *Wijs op reis* (Travel wisely), is available for travellers at crucial points. It includes information on CITES regulations.

In 2001 and 2002 WWF Netherlands, in co-operation with the CITES Management Authority, organised a large campaign to raise tourist awareness about souvenirs. Specialised, regionally focused brochures and posters were distributed through travel agents. Television and radio commercials were broadcast and an internet site was set up (www.wnf.nl). Special television programmes were broadcast with the help of CITES enforcement officers from the customs service, the General Inspection Service and the CITES MA. This also attracted a lot of media coverage. The souvenir campaign was successful in promoting awareness among travellers.

The customs authorities also placed radio commercials and magazine advertisements (including airline magazines) providing information on CITES souvenirs. The customs service informed the public about illegal souvenirs at travel industry fairs.

- **Traditional Chinese Medicines**

The CITES MA worked together on a TCM project with the General Inspection Service, the police and WWF-Netherlands. This project ran from November 2000 to March 2003. Since a great deal of trade in TCM was conducted without the necessary permits, many of these products were confiscated and a special information project was carried out. The aim of the project was to inform traders and practitioners using TCM products of the CITES regulations.

Two brochures were developed for this purpose. One contained a summary of the most important regulations and CITES TCM ingredients (Dutch/English and Dutch/Chinese) and the other gave more extensive information. The brochure was distributed to thousands of TCM traders, practitioners and medicine shops. Further information along with the brochures is available on www.minInv.nl/cites and www.wnf.nl The CITES MA, the General Inspection Service, the police and WWF-Netherlands have contributed to several information meetings on TCM for the target group.

24. Information included in Annual Reports to the Commission

The Annual Report to the European Commission is drafted in a large MS Excel file detailing permits and certificates issued in the period concerned. This file is linked to the CITES-ACCESS application, used by the CITES MA for the production of permits and certificates. The data on the actual number of specimens imported or exported is taken from customs returns.

Report deadline (before 15 June each year) for submitting Annual Reports to the Commission

The 2001 Annual Report was submitted on 1 October 2002 and the 2002 Annual Report on 18 July 2003.

X ATTENDANCE AND PARTICIPATION AT EU WILDLIFE TRADE REGULATIONS MEETINGS

25 Contribution to the operations of the Committee

Number of meetings attended and number of participants

- CITES MA (both policy and permit section) of the Netherlands participated in all 6 EU CITES Committee meetings, sending (on average) 2 representatives, Mr H.J. Eggink and Mrs A.A. Helmens or Mr. H.A.T.G. Koning.

Documents

- CITES MA (both policy and permit section) of the Netherlands has actively participated in the EU CITES committee and has prepared several documents/letters to be discussed at the meeting (no special record; in 2001 and 2002 about 4).

26 Contribution to the operations of the Scientific Review Group

Number of meetings attended and number of participants

- The secretary and members of the committee, Dr Hoogmoed and Dr de Koning, attended all 6 meetings of the Scientific Review Group in Brussels. Most meetings were attended by three representatives of the Scientific Authority, some meetings by two.

Documents

- The Scientific Authority provided oral information on the amendment of Annexes and the application of the regulations in the 19th to 24th meetings of the Scientific Review Group. The CITES-Commission provided the SRG the following information in writing:

2001

SRG-nr	NL-nr.	Contents
	019	Report to SRG of negative advice of NL SA for import of <i>Trigonoceps occipitalis</i> , (W) from Guinea.
	030	Information about corals from Indonesia to SRG.
SRG19/4/6/1	021, 061, 069,101	Report and note about negative advice of NL SA to SRG about import of corals, <i>Euphyllia glabrescens</i> and <i>Montipora caliculata</i> from Tonga.
	105	Note to SRG on import of <i>Poicephalus robustus</i> , <i>Poicephalus meyeri</i> and <i>Agapornis pullarius</i> (W) from Uganda.
	111	Comments by NL SA to the SRG note on import of <i>Poicephalus senegalus</i> from Guinea.
	127	Note to SRG on import of <i>Kinixys erosa</i> (R) from Togo, only if smaller than 8 cm.
	131	Comments by NL SA to the SRG Note on imports of <i>Poicephalus senegalus</i> (and other species) from the Republic of Guinea.
	149	NL SA report to SRG of doubtful exports of <i>Chamaeleo africanus</i> (W) from Guinea.
SRG19/4/9	070, 157	Report by NL SA to SRG about negative advice on import of <i>Chamaeleo pfefferi</i> , <i>Chamaeleo quadricornis</i> and <i>Chamaeleo wiedersheimi</i> (W) from Cameroon.
SRG19/11/3	181	Report by NL SA to SRG about Transports of red-eared terrapins from the Netherlands to Italy.
SRG24/4/13	188	Report by NL SA to SRG about error in EU database of range for <i>Phelsuma robertmertensi</i> . and <i>Phelsuma v-nigra pasteuri</i> from the Comoros.
SRG17/4/2	230	Report by NL SA to SRG about survey: Conservation and Cultivation of Traded Geophytes in Turkey and Georgia.
	266, 122,	Report and note to SRG about negative advice of NL SA on import of

SRG-nr	NL-nr.	Contents
	234, 105a	<i>Poicephalus robustus</i> from Uganda.
	327	Comments NL SA on the negative opinion of Belgium SA regarding import of <i>Phelsuma comorensis</i> from Comoros.
	345, 343 502	Report and note about negative advice of NL SA to SRG about import of <i>Caulastrea echinulata</i> , <i>Caulastrea tumida</i> , <i>Heliogorgia actiniformes</i> en <i>Physogyra lichtensteini</i> (W) from Indonesia.
	537	Report by NL SA to SRG that <i>Manouria emys</i> does not occur in Vietnam and Laos.
	580	Note about negative advice of NL SA to SRG for import of <i>Candoia carinata</i> (W) from Indonesia.
	763, 637	Report and note about negative advice of NL SA to SRG about import of <i>Pachypodium inopinatum</i> (W) from Madagascar.
SRG21/4/2	695	Comments of NL on the negative advice of Germany for import of <i>Geochelone pardalis</i> from Uganda + annex.
	809	Report and note about negative advice of NL SA to SRG about import of <i>Furcifer (Chamaeleo) lateralis</i> , <i>Furcifer (Chamaeleo) oustaleti</i> , <i>Furcifer (Chamaeleo) pardalis</i> , <i>Furcifer (Chamaeleo) verrucosus</i> , <i>Phelsuma madagascariensis</i> and <i>Phelsuma quadriocellata</i> (R) from Madagascar.
SRG21/4/3	814	Report on import of <i>Mantella aurantiaca</i> from Madagascar.
SRG22/4/8	873	Note for SRG reporting negative advice of NL SA for import of <i>Euphorbia guillauminiana</i> (W) from Madagascar.
SRG22.4.7	881	Report of negative advice of NL SA to SRG for the import of 2 live walruses, <i>Odobenus rosmarus</i> (W) from Russia.

2002

SRG-nr	NL-nr.	Contents
SRG22/4/6	070	Report and note about negative advice of NL SA to SRG about import of <i>Chamaeleo pfefferi</i> , <i>Chamaeleo quadricornis</i> and <i>Chamaeleo wiedersheimi</i> (W) from Cameroon.
SRG23/4/4/ 1	216	Report and note about negative advice of NL SA to SRG about import of <i>Amazona aestiva</i> (W) from Argentina.
SRG24/4/3	294	Comments of NL SA on negative advice of France to SRG for <i>Python curtis</i> from Indonesia.
	296	Comments on negative advice of France to SRG for <i>Bradypodion fischeri</i> and <i>Chamaeleo fuellborni</i> from Tanzania, with comments by Kim Howell.
	299, 297, 331	Report of negative advice to SRG on the import of <i>Psittacus erithacus timneh</i> , from the wild from Guinea.
	335	Position of NL SA to the SRG to agree on continuation of imports of <i>Python curtis</i> from Indonesia, and <i>Bradypodion fischeri</i> and <i>Chamaeleo fuellborni</i> from Tanzania.
	340	Comments of NL SA on SRG procedure.
SRG24/4/7	346, 479	NL comments to SRG note informing of proposal of Italian SA for a positive advice for import of <i>Canis lupus</i> , hunting trophy from Belarus.
SRG24/4/4	352, 477	Report of negative advice to SRG for <i>Testudo graeca terrestris</i> (C) from Lebanon.
SRG24/4/6	357, 478	Comments of NL SA on SRG revised note of 1-7-2002 informing of negative advice of French SA for <i>Tridacna crocea</i> , <i>Tridacna maxima</i> and <i>Tridacna squamosa</i> from Vietnam with Annex.
	378, 355	Report of negative advice to SRG for import of <i>Hippopotamus amphibius</i> (W) from Togo.
SRG24/4/2	474	Correspondence regarding import of <i>Bradypodion fischeri</i> and <i>Chamaeleo fuellborni</i> /Tanzania (FR, NL, ES).
SRG24/4/3	476	Correspondence regarding import of <i>Python curtis</i> from Indonesia (FR, NL, ES).
	575	Note for SRG about <i>Panthera leo</i> in Ethiopia.

27 Contribution to the operations of the Enforcement Working Group

The Customs, the Environmental Crimes Unit of the national police force and the General Inspection Service participated in the meeting of the Enforcement Working Group.

UMC gave a power point presentation on its crime phenomena analysis (*Criminaliteitsbeeld analyse*), which has resulted in criminal profiles based on data of convicted CITES offenders.

Annex 1: Survey of rescue centres for live specimens in the Netherlands

LIVE SPECIMENS

<u>CLASS OF SPECIES:</u>	<u>SPECIALITY</u>	<u>FIRST LINE ASSISTANCE</u>	<u>SECOND LINE (FALL BACK)</u>
Mammals	<i>Small</i>	Stichting AAP	Artis Zoo
	<i>Squirrels, not exotic</i>	Stichting Eekhoornopvang	LASER
	<i>Large</i>	Ad hoc via LASER	LASER
	<i>Bears</i>	Ouwehands Dierenpark	LASER
	<i>Very large</i>	Ad hoc via LASER	LASER
Primates:	<i>Most species (incl. Pan paniscus)</i>	Stichting AAP	Blijdorp Zoo
	<i>Anthropoids (excl. Pan paniscus))</i>	Blijdorp Zoo	Apenheul Zoo
Cetaceae:	<i>Cetaceae</i>	Dolfinarium Harderwijk	Artis Zoo/Blijdorp Zoo
Birds:	<i>Exotic species</i>	Nederlands Opvang Papagaaien	Avifauna
	<i>Non-exotic species (imported))</i>	Stichting Vogelrevalidatie- centrum Zundert	Nederlands Opvang Papagaaien
	<i>Native species (other)</i>	Bird rescue centres (with permits)	Nederlands Opvang Papagaaien
Fish:	<i>Fish (all except indo-pacific)</i>	Blijdorp Zoo	
	<i>Fish (only indo-pacific)</i>	Burgers Dierenpark	Artis Zoo
Reptiles/amphibians	<i>exotic</i>	Iguana Reptile Zoo	Serpo Reptile Zoo
	<i>native</i>	Serpo Reptile Zoo	Iguana Reptile Zoo
	<i>poisonous</i>	Serpo Reptile Zoo	LASER
Corals	<i>Salt water (Caribbean)</i>	Blijdorp Zoo	Artis Zoo
(incl. molluscs)	<i>Salt water (Pacific)</i>	Burgers Dierenpark	Artis Zoo

Plants

Native and exotic

Stichting Ned.
Plantentuinen

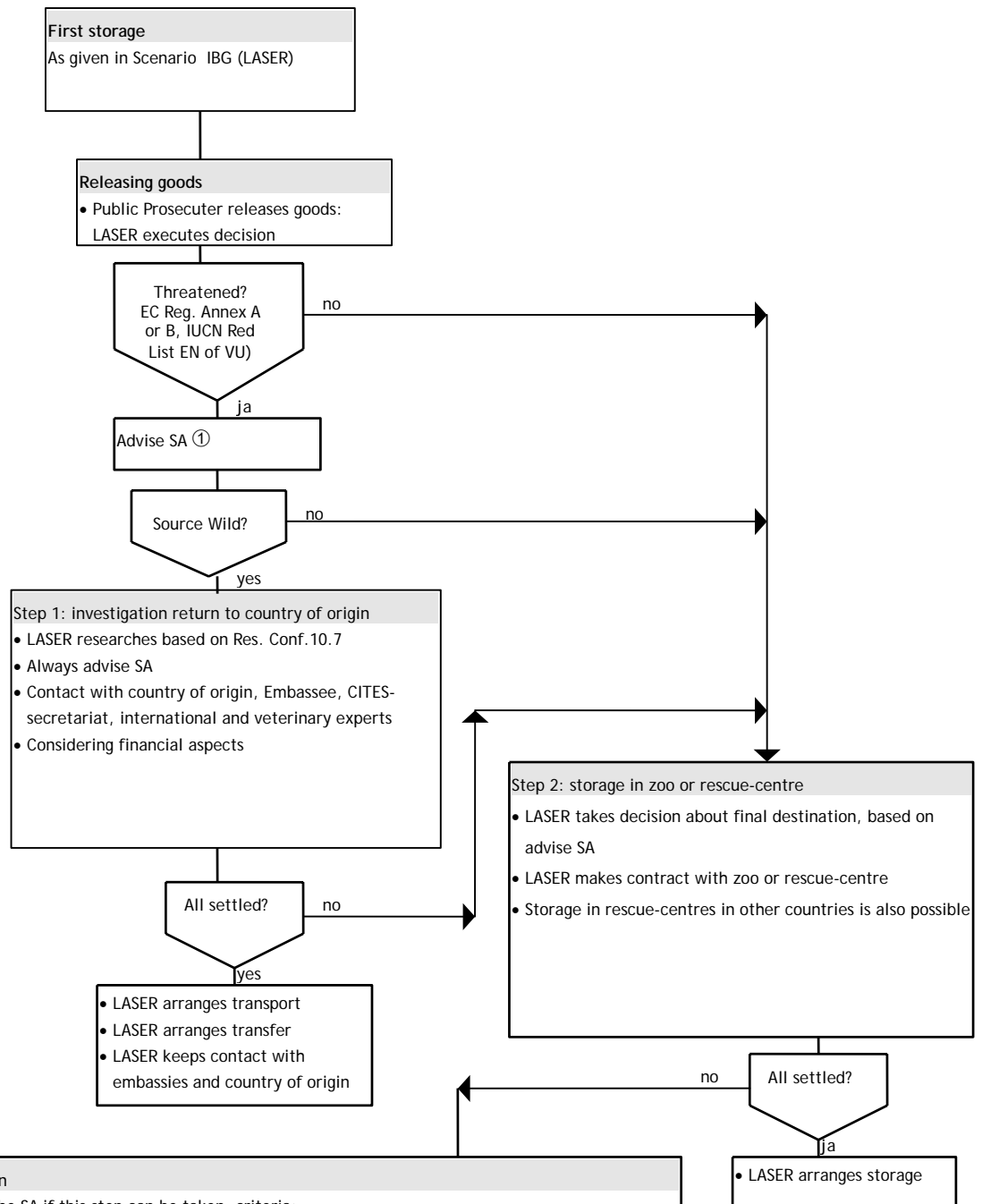
Hortus Amsterdam/Leiden

DEAD SPECIMENS

Non- perishable: LASER. LASER takes care of storage. If not suitable for storage: destruction with permission of Public Prosecutor. LASER maintains records.

Annex 2: Steps for storage of seized live animals

Storage after seizure
Live Animals:
(Note: similar schedules
are available for storage
of dead animals and
plants)



Step 3: transfer to private person

- LASER decides with advise of the SA if this step can be taken. criteria:
 - Possibility for species to be kept in captivity
 - Possibility for breeding results
 - Housing and caring facilities
 - Species must be kept solitary or in group?
 - International Breeding Programmes?

step 3a: transfer through independent (stud-book) organisation

- LASER transfers with contract
- LASER gives exemption of National legislation for the keeping of the specimen(s)
- LASER arranges inspection by General Inspection Service

step 3b: transfer to specialised private person

- LASER transfers with contract
- LASER gives exemption of National legislation for the keeping of the specimen(s)
- LASER arranges inspection by General Inspection Service

stap 3c: sale

- criteria:
 - "common" species for trade (Annex B, not on Red List EN or VU, Annex C, D)
 - common bred in captivity
 - regular housing and caring facilities
 - keeping in accordance with national legislation possible
- LASER arranges sale on open base
- LASER checks criteria, states price-level
- LASER transfers with exemption of national legislation

Step 4 (not optional)

- Euthanasia
- life-long storage by government

Annex 3: Legal proceedings under CITES regulation

District Court of Arnhem	29 January 2001	16 <i>psittacine</i> without closed legrings. Several examples were returned when the legal origin was proven, the remainder were confiscated and a fine of NLG 2,500 (€ 1,200) imposed.
District Court of Arnhem	12 February 2001	Appeal to Zutphen District Court on 15-2-99. Illegal possession of <i>psittacines</i> , partially proven, NLG 2,500, of which NLG 1,000 conditionally.
District Court of Den Bosch	16 February 2001	Appeal ruling police court for economic offences Den Bosch of 25-3 -1997. Illegal possession of live chameleons and <i>phelsumas</i> (Annex C): infringement of Article 3a of the Endangered Exotic Animal and Plant Species Act; NLG 3,000 or 40 days imprisonment + confiscation.
District Court of Rotterdam	21 February 2001	Illegal possession of <i>Saimiri sciureus</i> , € 495 or 10 days imprisonment. Order to return to rightful owner Apenheul.
Police court for economic offences Rotterdam	27 June 2001	Illegal import, possession and trade in corals (Annex B), NLG 6,000
Police court for economic offences Rotterdam	18 July 2001	Illegal possession and import of Annex A (leopard, crocodile) and B products (monitors and python). Art 3 en 3a Endangered Exotic Animal and Plant Species Act; NLG 10,000 2 year suspended sentence.
District Court Amsterdam	15 October 2001	Appeal ruling police court for economic offences Haarlem 24 July 2000. Illegal possession of <i>Phelsumas</i> and wilful negligence of animal welfare; 6 months.
Police court for economic offences Rotterdam	14 November 2001	Illegal possession and trade in corals Annex B; NLG 5,000, of which NLG 4,000 pending for 2 years
Police court for economic offences Rotterdam	17 October 2001	Illegal import, possession and trade in corals Annex B; NLG 2,000 and 20 days imprisonment, of which NLG 1,000 and 10 days pending for 2 years.
Police court for economic offences Haarlem	9 November 2001	Notification of import Annex D: no notification of transit necessary: Illegal import of 24 species of Annex B turtles. Negligence of animal health/welfare. Ruling: 4 months, 2 of which pending for 2 years + NLG 5,000 fine
Public Prosecutor's Office Rotterdam	15 November 2001	Illegal import <i>Annex B corals</i> by tourist. Transaction NLG 200 with disclaimer.
Police court for economic offences Rotterdam	28 November 2001	Illegal possession of <i>Pygmy marmoset</i> , White heron and <i>Avocetta avocetta</i> : NLG 6,000 or 60 days imprisonment. Acquittal on possession of <i>Fringilla coelebs</i> . Legal status not shown with proof of purchase/invoice.
District Court Rotterdam	1 February 2002	Illegal import of stuffed sea-turtles, skulls of <i>Babyrousa babyrussa</i> , skulls of <i>Pongo pygmaeus</i> and skull of <i>Malarctos malayanus</i> (all Annex A) and a stuffed Pangolin and corals (all Annex B); € 700 under disclaimer.
Supreme Court of the Netherlands	5 February 2002	Ruling reviewed in District Court of The Hague on 27 October 2000, no. 22/000899-00. Case not admissible, lapsed.
District Court Rotterdam	21 February 2002	Illegal import <i>plants (Macrozamia-spp., Annex B)</i> ; € 9,100 of which € 4,600 pending for 1 year + disclaimer
District Court Haarlem	19 april 2002	Illegal import of very rare Annex A cacti-species from Mexico, high economic value. 6 months imprisonment pending for 2 years and fine of € 4.500.
Public Prosecutor's Office Rotterdam	(pending)	Import of ivory, turtle products, whale products and rhinoceros horn in household effects.
District Court Arnhem	17 October 2002	Illegal import of <i>Dendrobatidae</i> , snakes. Laundering of animal imports by sending Brazilian animals via Suriname. Forgery and criminal organisation. Sentence: 12 months imprisonment, of which 4 months

		pending confiscation of € 87,000.
Confiscated by General Inspection Service	11-06-2002 and 12-06-2002	25 dead <i>Scleractinia spp</i> 29 live <i>Scleractinia spp</i> . KLM and Waterweelde signed disclaimers. Deposited at Burgers Zoo te Arnhem.
District Court Rotterdam	25-01-2002	Confiscation of 2,749 packets of Chinese medicines and € 11,000 fine
General Inspection Service investigation into cod-liver oil capsules (whale oil)	06-02-2002	Conclusion of the investigation and action regarding the 19500 tins of whale oil to be decided in consultation with the Public Prosecutor.
Investigation wood ex Cameroon	16-03-2002	Confiscation of 310,000 kg <i>Pericopsis elata</i> imported by Timber Associates / Decolvenaere and 67,500 kg <i>Pericopsis elata</i> imported by Profel Nederland. The wood will be offered for sale to the Department of Public Works and Water Management to be used for canal and river bank piling.
District Court Den Bosch	01-05-2002	Membership of criminal organisation intending to smuggle protected reptiles (lizards, turtles and snakes) from Indonesia to the Netherlands and from the Netherlands to the USA. 22 months unconditional prison sentence and confiscation of NLG 138,000.
District Court Haarlem	19-04-2002	Smuggling 1000 cacti. 7 months provisional prison sentence and €4,500 fine.
Public Prosecutor's Office Rotterdam	07-08-2002	Import to the Netherlands of one or more Chinese patent medicines containing the product/trade name Shu Gan Wan (<i>Saussurea costus</i>), Mu Xiang Shun Qi Wan and Lidan Tablets, Zhu Po Bao Ying Dan (<i>Moschus spp.</i>).
Public Prosecutor's Office Rotterdam	28/29-10-2002	Possession for sale and/or possession and/or exhibition for sale and/or holding of stocks of one or more Chinese medicines with the product/trade name Bao Ji Wan (<i>Saussurea costus</i>), Yang Xue Shengfa Jiaonang (<i>Orchidaceae spp.</i>), Musk Rheumatic oil (<i>Moschus spp</i>), Musk Hemorrhoids Ointment (<i>Moschus spp</i>).
Public Prosecutor's Office Rotterdam	15-08-2002	Bringing into the territory of the Netherlands one or more <i>Uromastyx spp</i> , specifically the species <i>Uromastyx acantinurus</i> , into the territory of the Netherlands.
Public Prosecutor's Office Rotterdam	13-08-2002	Bringing into the territory of the Netherlands one or more skins or one or more species of one or more dead animals or products derived from them, whether incorporated into other objects or not of <i>Felidae spp.</i> , specifically <i>Lynx canadensis</i> and/or <i>Lynx rufus</i> ,.
Public Prosecutor's Office Rotterdam	16-04-2001 t/m 21-06-2001	Private individual in possession of <i>Saimiri oerstedtii</i> , a live animal. Animal given to Apenheul zoo.
Public Prosecutor's Office Rotterdam	15-08-2001	Bringing 25 trees of <i>Macrozamia moorei</i> into the territory of the Netherlands.
Public Prosecutor's Office Rotterdam	22-02-2000	One or more Chinese food supplements/medicines/ patent medicine products with the product/trade name Bao Ji Wan (Pills, <i>Saussurea costus</i>) and Xiangsha Liujunwan, Nü Bao, Xiang Lian Wan, Xiang Lian Pian, Fufangchenxianweipian, Sunyear en Nan Bao (<i>Equus africanus</i>) and pills for invigorating spleen and intestines (<i>Saussurea costus</i>), Guipi Wan (nongsuowan), Xiangsha Yangweiwan, Lu Jiao (<i>Equus africanus</i>), Ding Kun Dan and hypertension pills Pin Ying naam Ling Jiao Jinang Ya Pian (<i>Saiga tatarica</i>), LingYang Ganmao Jiaonang, Shigu Yeguang Wan, Assun (Qiang Li Tianma Duzhong Jiaonang (<i>Orchidaceae spp.</i>), Tianmajiaonang, Huato Zaizaowan, Anti Lumbago Tablets (Yaotong Pian), (<i>Dicksoniaceae spp.</i>), Tong Ren Dahuoluo Dan (<i>Moschus spp.</i>) or <i>Orchidaceae spp.</i> , laryngitis pills (<i>Ursidae spp.</i>), Tianhe

		rheumatism expelling plasters (<i>Moschus spp.</i>), Kuai Wei Pian (<i>Orchidaceae spp.</i>)
Public Prosecutor's Office Rotterdam	30-01-2000 to 03-03-2000	One or more specimens of live <i>Scleractinia (spp.)</i> . Fine of NLG 6,000 on default.
Public Prosecutor's Office Rotterdam	04-10-2000 to 31-10-2000	One or more specimens of live <i>Scleractinia (spp.)</i> and/or <i>Coenathecalia (spp.)</i> and/or <i>Tridacnidae (spp)</i>
Public Prosecutor's Office Rotterdam	01-08-1999 to 27-01-2000	One or more specimens of dead <i>Scleractinia (spp)</i> specifically <i>Pavona cactus</i> and/or <i>Merulina ampliata</i> and/or <i>Pocillopora spp</i> and/or <i>Acropora palifera</i>
Public Prosecutor's Office Rotterdam	15-04-1999 to 19-04-1999	One or more skins of <i>Panthera pardus</i> (Leopard) and/or bags incorporating pieces of <i>Panthera pardus</i> and or leather satchels made from the <i>Osteolaemus tetraspis</i> (Dwarf crocodile) and one or more handbags made of leather from the <i>Osteolaemus tetraspis</i> (Dwarf crocodile), skins of the <i>Boidae (spp)</i> (python) and/or <i>Python sebae</i> (Rock python) and/or purses and/or shoes of skins of <i>Python spp.</i> , one or more key cases/keyrings, purse, slippers, shoes, made from the skin of <i>Varanus (spp)</i> and/or purses incorporating the skin of <i>Varanus (spp)</i> .
Public Prosecutor's Office Rotterdam	14-06-1999 to 16-06-1999	Bringing into the territory of the Netherlands one or more live plants of <i>Dendrobium spp.</i> Fine of NLG 1,250.
Public Prosecutor's Office Rotterdam	16-12-2002	Bringing into the territory of the Netherlands plants belonging to a protected non-native species <i>Araucaria araucana</i> . Fine of NLG € 2,500 and return of consignment to Chili.
Public Prosecutor's Office Rotterdam	15-04-2002	Bringing into the territory of the Netherlands products of protected animal species <i>Elephas maximus</i> (Asian elephant). Not a punishable offence. Antique door intended for cruise ship, returned.
Public Prosecutor's Office Rotterdam	04-12-2001	Bringing one or more live specimens of the plant <i>Cycas revoluta</i> into the territory of the Netherlands. Fine of € 2,000 on default.
Public Prosecutor's Office Rotterdam	08-02-2001	Taking one or more dead specimens of <i>Strombus gigas (Karko)</i> out of the territory of the Netherlands.
Public Prosecutor's Office Rotterdam	25-10-2000 to 01-11-2000	Bringing into the territory of the Netherlands 7 stuffed specimens of <i>Cheloniidae (spp.)</i> (sea turtles) and 2 skulls of <i>Babyrousa babyrussa</i> and 1 skull of <i>Pongo pygmaeus</i> (Orang-utan) and 1 skull of <i>Helarctos malayanus</i> (Sun bear). Fine of € 350.
Public Prosecutor's Office Rotterdam	06-05-2002	998 boxes of Yang Xue Sheng Fa Jiao Nang, 87 boxes of Wan Hua Oil Die Da, 28 cartons of E Jiao.
Public Prosecutor's Office Rotterdam	08-05-2002	1 pair of snakeskin boots <i>Python reticulatus</i> .
Public Prosecutor's Office Rotterdam	06-02-2002	1 decorative object made from hippopotamus tusk (<i>Hippopotamus amphibius</i>)
Public Prosecutor's Office Rotterdam	06-02-2002	3 specimens of stone coral (<i>Scleractinia spp.</i>), 2 specimens of thorny coral (<i>Antipatharia spp.</i>), 5 specimens of shell (<i>Strombus gigas</i>)
Public Prosecutor's Office Rotterdam	19-03-2003	Headdress with two monkey skulls

PORTUGAL

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RAPPORT BIENNAL
SUR LES MESURES LÉGISLATIVES; REGULAMENTAIRES
ET ADMINISTRATIVES PRISES POUR L'APPLICATION DE
LA CONVENTION DE WASHINGTON (CITES)

PERIODE 2001 - 2002

- PORTUGAL -

Selon l'article 8, n°7, b) de la Convention de Washington, chaque Autorité Administrative doit présenter, tout les deux années, un rapport sur les mesures législatives, réglementaires et administratives prises pour l'aplication de la CITES (décret n°50/80 du 23 de juillet).

Ainsi et selon le décret sous-mentionné, on va presenter dans ce rapport :

1. Mesures législatives - dipositions legaux en vigueur en ce moment au Portugal;

2. Mesures réglementaires- entites compétentes pour exercer les différentes atributions de la CITES;

3. Mesures Administratives- dispositions prises pour l'Autorité Administrative Nationale pour l'application de la Convention.

MESURES LÉGISLATIVES

a) Législation Nationale

En ce moment, au Portugal est en vigueur la législation suivante:

Décret n° 50/80 de 23 juillet - Approvation , pour ratification de la convention sur le Commerce Internationale des Espèces de la Faune et de la Flore Sauvages Menacées d'Extinction, signée a Washington en mars de 1973.

Décret n° 114/90 de 5 avril - Transposition pour le droit interne du Règlement n° 3626/82. Ce décret -loi établit les entités compétentes, les contraventions et les ports de l'entrée des spécimens des espèces des Annexes de la Convention.

Arrêté Ministériel n° 236/91 de 22 mars - Prohibition de la detention, de la vente, du transport et de l'achat des trophées de Rhinocéro et Elephant.

Arrêté Ministeriel n° 359/92 de 10 novembre - Prohibition de la détention, par des privées des espèces de I 'Annexe II de la CITES : Primates, Canidae, Ursidae, Felidae, Crocodylia, Boidae, Elapidae et Viperidae.

Arrêté Ministeriel n° 728/2003 de 7 août - actualization des documents CITES, des prix des Permis, des Certificats et des Notifications.

b) Législation Communautaire

- Règlement (CE) n° 338/97 du Conseil. de 9 de décembre-sur la protection des espèces de la faune et de la flore sauvages par le controle de son commerce;
- Règlement (CG) n° 1808/2001 de la Comission du 30 août - établit les normes de l'exécution du Reg. (CE) n°338/97 ;.
- Règlement (CE) n° 2214/98 de la Comission du 15 octobre- alterations au Reg. (CE) 338/97 ;
- Règlement (CE) n.° 2724/00 dela Comission du 30 novembre - établit les annexes de la Convention CITES et de l'Union Européenne où sont inscrites les espèces protégées.
- Règlement (CE) n° 349/2003 dela Comission du 16 fevrier- établit des restrictions à l'introduction dans l'EU de certaines espèces de la faune et de la flore sauvages;

2. MESURES RÉGULAMENTAIRES

Au Portugal, les entités qui appliquent la CITES sont :

1. INSTITUTO DE CONSERVACAO DA NATUREZA - Autorité Scientifique Nationale;

Cette autorité est responsable, dans le territoire nationale, pour remission d'avis sur:

- Importations, Exportations, et Reexportations des espèces protégées par la CITES;
- Installations pour le logement des espèces de l'annexe A;
- Donations de spécimens saisis.

Il est encore compétence de l'Autorité Scientifique la certification que que les spécimens sont nées et créés en captivité ou artificiellement multiplés.

Il est, aussi, de sa compétence proposer des altérations aux annexes B, C et D et participer dans le Groupe d'Analyse Scientifique de l'Union Européenne.

2. INSTITUTO DE CONSERVACAO DA NATUREZA - Autorité Administrative Nationale

- Centre de Lisbonne,
- Centre du Porto;

3. PARQUE NATURAL DA MADEIRA - Autoridade Administrativa Regional do Arquipélago da Madeira;

4. DIRECCAO REGIONAL DO AMBIENTE DOS ACORES - Autoridade Administrativa Regional do Arquipelago dos Acores;

Ces Autorités Administratives éxecutent:

- Licenciement CITES,
- Fiscalization des aeroports et des ports maritimes, des importateurs, des établissements, des parcs zoologiques, etc,
- Realization de expertissages,
- Suivi des intallations pour l'auberge des animaux vivants,

- Etablir des partenariats avec d'autres entités qui contrôlent l'application de la CITES, nottament, Direction Générale des Aduanes; Direction Générale des Fôrets; Direction Générale des Renseignements Economiques; Police de Sécurité Publique et Garde Nationale Républicaine.

Au delà de ces entités, l'Instituto de Conservacao da Natureza dispose d'un Gabinet Juridique, que, en ce qui concerne la CITES, est le responsable pour l'établissement de procès de contravention pour l'application d'ammendes, pour la substitution et préparation de la législation.

TABLEAU

Tableau 1 - LICENCIEMENT

	2001	2002
Permis d' importation	1430	1111
Permis d' exportation	21	12
Certificats de re- exportation	61	83
Communications d' importation	299	53

Tableau 2 - FISCALIZATION

	2001	2002
Fiches d'Expertissage	351	279
Notices de Contrevention- ICN	7	9
Notices de Contrevention- autres entités	44	56

Tableau 3 - PROCCES DE CONTREVENTION

	2001	2002
Archivés	6	2
Saisies	44	62
Devolutions	1	1
Sans décision finale	-	-
TOTAL	51	65

3. MESURES ADMINISTRATIVES

Donnation de spécimens saisies - d'accord avec le n° 3 du article 16eme a) du Règlement (CE) 338/97, tout le spécimen saisi sera mis sur la responsabilité de l'Autorité administrative, qui pourra librement décider de son destination, après avoir consulté l'Autorité Scientifique, ayant garanti que les dispositions de la Convention sont respectées.

De cette façon, l'Autorité Administrative fait habituellement de donations de les specimens CITES.

Championnat Mondial de Ornithologie - l'Autorité Administrative a participé et a donné un cours de formation concernant la application de la CITES au Championnat Mondial de Ornithologie, réalisé a Santa Maria da Feira, entre le 18 et le 28 janvier 2001.

Parc Zoologique de Batalha - l'Autorité Administrative a participé avec autres autorités, dans le renferment de cet parc, pour des raisons de absence des conditions de bien-être animaux et absence de licenciement CITES, entre le 10 et 14 de mars de 2001, á São Miguel - Acores.

1er Cours des Pays d' Expression Portugaise de Gestion de l'Ambiant - l' Autorité Administrative a participé dans le « 1er Cours des Pays d'Expression Portugaise de Gestion de l'Ambiant », réalisé á Sesimbra, entre le 10 et le 14 de septembre, 2001.

2nd Congres National deConservation de la Nature - l' Autorité Administrative a participé dans le «2nd Congres National de Conservation de la Nature», realizeé á Lisboa, entre le 2 et le 14 de octobre, 2001.

Cours de formation pour la Autorité Administrative Regional de l'Archipel Acorien - l'Autorité Administrative a organisé et donneé un cours de formation sur Législation CITES, dans l'Archipel Acorien,entre le 3 et 6 d 'Avril, 2002.

Cours de formation pour la GNR - l'Autorité Administrative a donné un cours de formation sur Législation Environmental (protection de la faune et de la flore), dans l'Ecole Pratique de la Garde Nationale Républicaine (GNR), le 3 et 4 juillet, 2002.

1^{er} Rencontre Ibérien de Récuperation et Conservation de la Faune Sauvage et 2nd Rencontre d'Accueil et Récuperation de Fauna Sylvestre du Portugal - l'Autorité Administrative a participé dans cet événement, realizeé a Castelo Branco, entre le 31 octobre et le 2 novembre, 2002.

Cours de formation pour la PSP - l'Autorité Administrative a donné un cours de formation sur Législation CITES, dans le Commandement Municipal d'Evora, de la Police de Sûrete Public (PSP), le 4 et5 novembre, 2002.

Cours de formation pour les Vigilant de La Nature de I Institut de la Conservation de La Nature - l'Autorité Administrative a donné un cours de formation sur Législation Environmental (protection de la faune et de la

flore), dans le Parc Naturel de Serra da Malcata, entre le 13 et 15 novembre, 2002.

Cours de formation pour la GNR - l'Autorité Administrative a donné un cours de formation sur Législation Environnemental (protection de la faune et de la flore), dans l'Ecole Pratique de la Garde Nationale Républicaine (GNR), le 18 et 19 novembre, 2002.

Lisboa, 31 de Juillet de 2003

SPAIN

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INFORME BIENAL CITES DE ESPAÑA PARA EL PERIODO 2001-2002

I. MEDIDAS LEGISLATIVAS

I.1. INSTRUMENTOS LEGISLATIVOS UTILIZADOS

El ámbito legislativo nacional no ha variado respecto al Informe Bienal presentado para el periodo 1997-1998, a excepción de la aprobación del Reglamento CE 1808/2001 de la Comisión, es decir, se mantienen las siguientes disposiciones:

- Reglamento CE 338/97 del Consejo, de 9 de diciembre de 1996, relativo a la protección de especies de la fauna y flora silvestres mediante el control de su comercio. (modificado por el Reglamento 2724/00 de la Comisión, Reglamento 1579/2001 de la Comisión y Reglamento 2476/2001 de la Comisión).
- Reglamento CE 1808/2001 de la Comisión, de 30 de agosto de 2001, por el que se establecen disposiciones de aplicación del Reglamento CE 338/97 del Consejo, de 9 de diciembre de 1996, relativo a la protección de especies de la fauna y flora silvestres mediante el control de su comercio.
- Real Decreto 1739/1997, de 20 de noviembre, sobre medidas de aplicación del Convenio CITES y del Reglamento CE 338/97 relativo a la protección de especies de la fauna y flora silvestres mediante el control de su comercio.
- Resolución de 5 de mayo de 1998, de la Dirección General de Comercio Exterior, por la que se designan los Centros y Unidades de Asistencia Técnica e Inspección de Comercio Exterior (SOIVRE), habilitados para la emisión de los permisos y certificados contemplados en el Reglamento CE 338/97 y se establece el modelo de "documento de inspección de especies protegidas".
- Real Decreto 1649/98, de 24 de julio, que desarrolla el Título II de la Ley 12/1995, relativo a las infracciones administrativas de contrabando.

I.2.- MEDIDAS TOMADAS PARA ASEGURAR LA IMPOSICIÓN DE SANCIONES

Desde 1997, el panorama legislativo nacional no ha variado, por lo que para las infracciones a lo estipulado en el Convenio CITES y en el Reglamento 338/97 se siguen haciendo efectivas mediante la aplicación del Reglamento General de Recaudación (Real Decreto 1684/90) que establece los sistemas legales para hacer ejecutivas las sanciones.

II. AUTORIDAD ADMINISTRATIVA

II.3.- Designación de la Autoridad Administrativa

Las Autoridades Administrativas designadas son dos: la *Secretaría General de Comercio Exterior* perteneciente al Ministerio de Economía, que actúa como Órgano de gestión principal o Autoridad Administrativa Principal, y el Departamento de Aduanas e Impuestos Especiales perteneciente al Ministerio de Hacienda, que actúa como Autoridad Administrativa adicional.

La Autoridad Administrativa Principal es la encargada de llevar a cabo las siguientes funciones:

- Autorización de importación, exportación y reexportación
- Emisión de permisos y certificados
- Reconocimiento de especímenes pre-convención
- Registro de colecciones animales y vegetales
- Control de la cría en cautividad y reproducción artificial
- Elaboración de los informes anuales y bienales
- Representar oficialmente a España ante otros países Parte y ante la Secretaría del Convenio.

Estas funciones se encuentran asignadas a la Subdirección General de Inspección, Certificación y Asistencia Técnica de Comercio Exterior. La Subdirección General tiene encomendadas diversas competencias cuyas funciones se llevan a cabo mediante la distribución de las mismas en áreas. La jefatura de la Subdirección recae en un Subdirector General que coordina todas las áreas de la misma. Una de las áreas en que se encuentra dividida la Subdirección corresponde al Área CITES. La estructura administrativa del departamento CITES es la siguiente:

- Un Jefe de Área CITES
- Un Jefe de Servicio CITES
- Cuatro Jefes de Sección CITES
- Dos auxiliares administrativos

De acuerdo con las previsiones del Real Decreto 1739/97, la *Secretaría General de Comercio Exterior* ejerce su función a través de los Centros de Asistencia Técnica e Inspección de Comercio Exterior. Estos Centros de Asistencia Técnica e Inspección de Comercio Exterior se encuentran ubicados en los puntos de entrada y salida designados para el comercio con terceros países. Cuentan con inspectores especializados. Las solicitudes de los correspondientes permisos de importación y re-exportación, las solicitudes de Certificados CITES, las solicitudes de reconocimiento de especímenes pre-convención, el registro de las colecciones animales y vegetales, y el control de la cría en cautividad y la reproducción artificial, así como la asistencia técnica a las Autoridades de control (Aduanas,

policía, etc.) se hace a través de doce Centros de Asistencia Técnica de Comercio Exterior (designados por la Resolución de 5 de mayo de 1998 de la Dirección General de Comercio Exterior, actualmente convertida a Secretaría General de Comercio Exterior

El Departamento de Aduanas e Impuestos Especiales es la encargada de solicitar a los interesados los acreditativos documentos CITES antes de proceder a su despacho, y a través de las diversas Aduanas incoar y resolver expedientes administrativos por supuesta infracción de contrabando en el caso de que se produzca alguna infracción a lo dispuesto en el Convenio o en el Reglamento 338/97.

II.4.- Descripción de los métodos empleados para establecer la ascendencia de los animales criados en cautividad (artículo 25 del Reglamento 1808/2001).

Se emplean diversas muestras de tejido (sangre, bulbos pilosos, etc.) para establecer la ascendencia genética a través de análisis de ADN, cuando ello se estima necesario, en laboratorios ajenos a la Autoridad Administrativa que realizan este tipo de pruebas. Las muestras son recogidas y precintadas por funcionarios de los Centros de Asistencia Técnica e Inspección de Comercio Exterior.

II.5.- Métodos empleados para marcar los especímenes de acuerdo con el artículo 36 del Reglamento 1808/2001

Las aves son marcadas mediante anillas cerradas, y cuando esto no es posible se identifican con un microchip. El resto de los vertebrados son identificados mediante la implantación de un microchip. Para las especies de tortugas y otras especies que así lo requieren, se espera a que alcancen determinado tamaño antes de implantarles un microchip. Las tortugas que son demasiado pequeñas como para ser marcadas con un microchip son identificadas con una fotografía del plastrón y del caparazón que se adjunta al Certificado CITES que se emite. El marcado de los especímenes se hace en presencia de funcionarios de los Centros de Asistencia Técnica e Inspección de Comercio Exterior.

II.6.- Capacidad para sobrellevar las solicitudes de permisos y certificados.

De 7818 solicitudes de permiso de importación presentadas entre 2001 y 2002, a la Autoridad Científica española se le solicitó informe para 165 solicitudes, lo que representa un 2% del total.

El número de establecimientos que crían en cautividad y el número de viveros que reproducen plantas artificialmente, y que son controlados por la Autoridad Administrativa a través de los Centros de Asistencia Técnica e Inspección de Comercio Exterior asciende a 641 centros que crían en cautividad y a 11 viveros. Todos los centros son visitados periódicamente.

El número de horas dedicadas por el personal es difícil de evaluar, ya que hay varios inspectores en los Centros de Asistencia Técnica e Inspección de Comercio Exterior que se dedican a ello a jornada completa, haciendo las inspecciones de las mercancías objeto de comercio exterior, visitando viveros y centros de cría y asistiendo al Servicio de Protección de la Naturaleza (SEPRONA) de la Dirección General de la Guardia Civil en inspecciones en establecimientos en el comercio interior. Se estima que las jornadas dedicadas a ellos por parte de los Centros de Asistencia Técnica e Inspección de Comercio Exterior ascienden a unas 10.000 horas mensuales, a las que hay que añadir las propias de la Autoridad Administrativa que asciende a unas 5.000 horas mensuales.

Las horas dedicadas exclusivamente a la autorización de las solicitudes de permisos de importación asciende a unas 200 horas mensuales, mientras que las de re-exportación supone unas 100 horas mensuales, y las de los Certificados comunitarios un tiempo variable porque en ellos se invierte varias jornadas difícilmente cuantificables. Igualmente difícilmente es cuantificable el número de horas dedicadas a informar al sector o al público en general, el tiempo dedicado a las reuniones, a preparar informes, ya que en ello se cuenta con personal de los Centros de Asistencia Técnica e Inspección de Comercio Exterior en cooperación con el personal de la Autoridad Administrativa.

III. AUTORIDAD CIENTÍFICA

III.6.- Designación de la Autoridad Científica

La Dirección General de Conservación de la Naturaleza del Ministerio de Medio Ambiente ejerce como Autoridad Científica. Las funciones son realizadas por la Subdirección General de Conservación de la Biodiversidad, que además desarrolla otras tareas relacionadas con la fauna y flora silvestre a escala nacional.

La Autoridad Científica y la Autoridad Administrativa tienen un acuerdo mediante el cual el control en los centros que crían en cautividad y los viveros registrados se hace por parte de los Centros de Asistencia Técnica e Inspección de Comercio Exterior que siguen unas pautas aprobadas por la Autoridad Científica. La Autoridad Científica es consultada por la Autoridad Administrativa en los casos en que así se requiere, como las solicitudes de permisos de importación y de exportación.

La Autoridad Científica informa a solicitud de la Autoridad Administrativa en los casos que así están estipulados según lo establecido en el Reglamento CE 338/97 así como en aquellos casos en los que se considera necesario contribuir en algún aspecto a la decisión que se tome.

Se llevan a cabo reuniones periódicas entre la Autoridad Administrativa y la Autoridad Científica. La Autoridad Científica asiste a las reuniones del Grupo de

Revisión Científica de la UE; de los Comités de Fauna y de Flora, bien en calidad de miembro o de observador; a las reuniones regionales europeas y a las Conferencias de las Partes.

La Autoridad Científica cuenta con la asistencia de expertos en fauna, mediante contrato con una empresa especializada (ATECMA S.L.), y en flora, por medio de un convenio de colaboración con el Jardín Botánico de Córdoba (que además sirve de centro de rescate para plantas).

El número de horas dedicadas a las funciones de la Autoridad Científica se estima en unas 500 horas mensuales

IV.- ADUANAS

IV.7.- Designación de las oficinas de Aduanas.

El Diario Oficial de las Comunidades Europeas (DOCE), en la Comunicación de la Comisión 1999/C 356/02, recoge la lista de los lugares de introducción y de exportación designados por los Estados Miembros para el comercio con terceros países con arreglo al apartado 3 del artículo VIII de la Convención sobre el Comercio Internacional de especies amenazadas de fauna y flora silvestres y mencionados en el artículo 12 del Reglamento CE 338/97. Los lugares de introducción y exportación designados por España son los siguientes:

- Algeciras
- Alicante
- Barcelona
- Bilbao
- La Coruña
- Las Palmas de Gran Canaria
- Madrid
- Málaga
- Palma de Mallorca
- Sevilla
- Tenerife
- Valencia

Salvo La Coruña, todos los puntos de entrada designados cuentan con instalaciones para el mantenimiento de animales vivos y se encuentran publicados como puntos de inspección fronterizos autorizados para efectuar controles veterinarios.

VII.8.- Descripción de los procedimientos para completar los documentos CITES que acompañan los envíos

De conformidad con el artículo 12 del Reglamento CE 1808/2001, la Aduana, previo al despacho aduanero, exige al importador o su representante, la hoja original y la copia para el titular del permiso de importación, junto con el documento de inspección de especies protegidas cumplimentado por el Centro de Asistencia Técnica e Inspección de Comercio Exterior que haya hecho la inspección de la partida, y el original del permiso de exportación o certificado de re-exportación. Si la inspección ha resultado apta, la Aduana rellena la casilla 27 del permiso de importación, devolviendo al importador la copia para el titular del permiso de importación, y haciendo llegar al Centro de Asistencia Técnica e Inspección de Comercio Exterior la hoja original ya diligenciada junto con el original del permiso de exportación o certificado de re-exportación, que a su vez será remitido a la Autoridad Administrativa.

De conformidad con el artículo 14 del Reglamento CE 1808/2001, la Aduana exigirá al importador o a su representante, previo al despacho aduanero, la Notificación de importación, junto con el original del permiso de exportación o certificado de re-exportación en los casos en que proceda, así como el documento de inspección de especies protegidas cumplimentado por el Centro de Asistencia Técnica e Inspección de Comercio Exterior que haya hecho la inspección. Si la inspección ha sido encontrada apta, la Aduana sellará las dos hojas de la Notificación de importación, entregando al importador la copia para el titular, y remitiendo al Centro de Asistencia Técnica e Inspección de Comercio Exterior la hoja original junto con el original del permiso de exportación o certificado de re-exportación cuando proceda, que a su vez lo remitirá a la Autoridad Administrativa.

De conformidad con el artículo 17 del Reglamento CE 1808/2001, la Aduana exigirá al exportador o su representante las hojas original, copia para el titular y copia que la Aduana debe remitir a la Autoridad expedidora, del permiso de exportación o certificado de reexportación, junto con el documento de inspección de especies protegidas cumplimentado por el Centro de Asistencia Técnica e Inspección de Comercio Exterior. Si el resultado de la inspección ha sido apto, la Aduana rellena la casilla 27 del documento CITES, entregando al exportador la copia original y la copia para el titular, y devolviendo al Centro de Asistencia Técnica e Inspección de Comercio Exterior la tercera hoja del permiso de exportación o reexportación, que a su vez lo remitirá a la Autoridad Administrativa.

En la casilla 27 del permiso de importación, o del permiso de exportación o reexportación, la Aduana hace constar el número de animales que llegaron muertos, la cantidad finalmente importada o exportada, el número y tipo del documento aduanero con que se hace el despacho de la mercancía, el sello y la fecha de la operación.

IV.9.- Descripción del procedimiento para devolver los documentos al Órgano de Gestión.

De conformidad con el artículo 19, apartado 1 del Reglamento CE 1808/2001, la Aduana devuelve las correspondientes hojas de los permisos de importación, exportación o reexportación, de la notificación de importación, y los originales de los permisos de exportación o certificados de re-exportación al Centro de Asistencia Técnica e Inspección de Comercio Exterior que hizo la inspección. El Centro de Asistencia Técnica e Inspección de Comercio Exterior remite al Órgano de Gestión Principal estos documentos de forma periódica. Si se reciben permisos expedidos por otro Estado miembro, el Órgano de Gestión Principal lo devuelve a la Autoridad que lo emitió.

IV.10.- Descripción de los procedimientos para incautar especímenes en caso de infracción (artículos 16.1 y 16.2 del Reglamento CE 338/97) y posible decomiso automático.

Cuando la Aduana es informada de la comisión de una infracción a lo dispuesto en el artículo 16.1 del Reglamento CE 338/97, la Aduana incoa un expediente por supuesta infracción administrativa de contrabando. Los especímenes, si son vivos, son enviados a determinados zoológicos, núcleos zoológicos o jardines botánicos con los que las Autoridades aduaneras tienen firmados acuerdos en tanto se resuelve el expediente de contrabando. Los especímenes no vivos son depositados en almacenes de las Aduanas en tanto se resuelve el expediente de contrabando. No existe posibilidad de un decomiso automático debido a los procedimientos del expediente sancionador. Para resolver un expediente sancionador, la Aduana solicita un informe a la Autoridad Administrativa o al Centro de Asistencia Técnica e Inspección de Comercio Exterior, haciéndole llegar, si procede, las alegaciones presentadas por el interesado.

IV.11.- Descripción de la disposición de los especímenes incautados.

Una vez resueltos los expedientes, si se determina el comiso de los especímenes, éstos y la descendencia que pudieran tener pasan a ser propiedad del Estado español. De conformidad con el artículo 16.3 a) del Reglamento CE 338/97, la Autoridad Administrativa, tras consultar a la Autoridad Científica, determina el destino definitivo de los especímenes. En aquellos casos en los que se trate de especímenes de especies amenazadas, se autoriza su introducción en programas de cría y se permite su uso con fines exclusivamente de conservación.

IV.12.- Descripción de los procedimientos para incautar especímenes vivos de especies de los Anexos B y C introducidos sin los debidos permisos o certificados.

Se incoa un expediente por supuesta infracción administrativa de contrabando. Si los especímenes han llegado sin el original del permiso de exportación o certificado de re-exportación, se procede al comiso de los especímenes y su posterior disposición. Si la mercancía ha llegado con el debido permiso de exportación o certificado de re-exportación, y sin el debido permiso de importación, en algunos casos, previa consulta con la Autoridad Administrativa, se procede a autorizar su devolución a origen.

En algunos casos, la información es compartida entre las Aduanas, los Centros de Asistencia Técnica e Inspección de Comercio Exterior, el Servicio de Vigilancia Aduanera, el Servicio de Protección de la Naturaleza (SEPRONA) de la Dirección General de la Guardia Civil, con objeto de investigar más a fondo una infracción cometida.

V. OTRAS UNIDADES DE CONTROL

V.13.- Información y descripción de otras unidades de control autorizadas a incautar.

Además del Servicio de Vigilancia Aduanera, el Servicio de Protección de la Naturaleza (SEPRONA) de la Dirección General de la Guardia Civil, que es el principal encargado del control y la vigilancia de lo establecido en el Reglamento CE 338/97 dentro del territorio nacional, otras Policías (Policía municipal, Policía autonómica, Policía nacional) pueden intervenir especímenes y denunciar los hechos a la Autoridad competente, de acuerdo con la Ley de Contrabando.

V.14.- Descripción de los procedimientos para incautar especímenes, y cuando sea apropiado arrestar al poseedor.

La intervención de especímenes se hace mediante la redacción de un Acta de aprehensión de especímenes, y si es factible, los especímenes son depositados en algún almacén o depositados en núcleos zoológicos con el que se tenga acuerdos concertados entre las Aduanas y los centros. En caso de detención del poseedor, se inician unas diligencias por presunto delito de contrabando.

VI. ACTIVIDADES DE FORMACIÓN

VI.15.- Autoridad Administrativa: información en seminarios atendidos y/o organizados. Artículo 13.1a) y 14.1a) del Reglamento 338/97.

Durante los años 2001 y 2002 se han impartido un total de 15 cursos de formación para funcionarios encargados del control (Servicio de Protección de la Naturaleza de la Guardia Civil, Aduanas, Policías locales y autonómicas).

Se ha participado activamente en la impartición de clases del III Master sobre "*GESTIÓN, CONSERVACIÓN Y CONTROL DE ESPECIES SOMETIDAS A COMERCIO INTERNACIONAL*", al que asistieron 34 alumnos, procedentes de las Autoridades, administrativas, científicas y organizaciones no gubernamentales de 25 países: Bolivia, Burundi, Colombia, Costa Rica, Cuba, Chile, China, Eslovaquia, Eslovenia, España, Grecia, Honduras, India, Indonesia, Kenya, México, Mozambique, Namibia, Perú, Santa Lucía, Tailandia, Venezuela, Vietnam, Yugoslavia, Zimbabwe.

Asimismo, 14 inspectores de la Autoridad Administrativa han asistido a diversos módulos de la III edición del master sobre "*GESTIÓN, CONSERVACIÓN Y CONTROL DE ESPECIES SOMETIDAS A COMERCIO INTERNACIONAL*".

VI.16.- Autoridad Científica (nivel de cuotas, informes sobre no detrimento): información en seminarios atendidos y/o organizados

La principal actividad formativa en que la Autoridad Científica ha participado activamente es la dirección (Margarita Clemente, asesora científica de flora), asistencia financiera, impartición de clases y dirección y evaluación de tesis del III Master sobre "*GESTIÓN, CONSERVACIÓN Y CONTROL DE ESPECIES SOMETIDAS A COMERCIO INTERNACIONAL*", con sede en Baeza (Jaén), cuyos últimos trabajos de dirección y evaluación de tesis han tenido lugar en este periodo.

Ha organizado dos cursos de formación en CITES para funcionarios del Servicio de Protección de la Naturaleza (SEPRONA) de la Guardia Civil, celebrados en el Centro de Educación Ambiental (CENEAM) del Ministerio de Medio Ambiente en Valsain (Segovia) durante sendas semanas.

Además, sus funcionarios y asesores han impartido conferencias en varios foros de formación, han escrito artículos para publicaciones periódicas y se han entrevistado con periodistas con objeto de difundir el conocimiento sobre el comercio internacional de la biodiversidad y mejorar la aplicación de CITES y la normativa comunitaria.

VI.17.- Aduanas/Policía: información en seminarios atendidos y/o organizados

Se han realizado algunos cursos de formación en el marco del Servicio de Protección de la Naturaleza de la Guardia Civil.

VII. INFRACCIONES Y ACCIONES LEGALES

VII.18.- Acomodación de animales vivos en las oficinas aduaneras designadas.

Las Autoridades aduaneras tienen suscritos algunos acuerdos con zoológicos, núcleos zoológicos y jardines botánicos para depositar los animales y plantas intervenidos.

VII.19.- Descripción de los procedimientos relativos a actividades comerciales con especímenes confiscados (artículo 8.6 del Reglamento 338/97)

No se ha producido ninguna subasta de especímenes confiscados de especies de los Anexos B a D, quedando los especímenes depositados en centros o almacenes aduaneros. Eventualmente se han destruido algunos especímenes.

VII.20 Infracciones y acciones legales.

A) AÑO 2001

A.1.- INTERVENCIONES PRODUCIDAS EN COMERCIO EXTERIOR

En el año 2001, se produjeron un total de 245 intervenciones, consistentes en las siguientes mercancías:

DESCRIPCIÓN	SUMA	UNIDAD
Vivo	339	Uni
Disecado	49	Uni
Caparazón	4	Uni
Conchas	87	Uni
Pieles	9	Uni
Trofeos	3	Uni
Colmillos	7	Uni
Caviar	600	Gr
Coral	1679	Gr
Coral	27	Uni
Talla	561	Gr
Talla	170	Uni
Manufactura grande	3	Uni

DESCRIPCIÓN	SUMA	UNIDAD
Manufactura pequeña	110	Uni
Cráneo	1	Uni
Hueso	7	Uni
Oreja	2	Uni
Pata	4	Uni
Dientes	6	Uni

Las especies intervenidas fueron:

APÉNDICE	ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
II	A	TESTUDO GRAECA	Vivo	179	Uni
II	A/B	CHAMAELEO SP	Vivo	24	Uni
II	B	MIOPITHECUS TALAPOIN	Vivo	23	Uni
II	B	RENANTHERA AZIMANBE	Vivo	20	Uni
II	B	ONCIDIUM MERICLONE	Vivo	20	Uni
II	B	KINIXYS BELLIANA	Vivo	20	Uni
II	B	UROMASTYX SP	Vivo	15	Uni
II	B	PSITTACUS ERITHACUS	Vivo	6	Uni
III-GH	C	PSITTACULA KRAMERI	Vivo	5	Uni
II	A	CHAMAELEO CHAMAELEON	Vivo	4	Uni
II	B	POICEPHALUS SENEGALUS	Vivo	4	Uni
II	B	IGUANA IGUANA	Vivo	2	Uni
I/II/III/NL	ABC	FALCONIFORMES SP	Vivo	2	Uni
II	B	MACACA SYLVANUS	Vivo	2	Uni
II	A	BUTEO RUFINUS	Vivo	2	Uni
II	B	UROMASTYX ACANTHINURUS	Vivo	1	Uni
II	B	UROMASTYX SPP	Vivo	1	Uni
II	A	HIERAAETUS PENNATUS	Vivo	1	Uni
I/II	AB	AQUILA SP	Vivo	1	Uni
II	B	PSITTACUS ERITHACUS TIMNEH	Vivo	1	Uni
II	A	CIRCAETUS GALLICUS	Vivo	1	Uni
II	B	CHLOROCEBUS AETHIOPS	Vivo	1	Uni
II	B	CERCOCEBUS AETHIOPS	Vivo	1	Uni
II	B	CALLITHRIX JACCHUS	Vivo	1	Uni
II	A	FALCO TINNUNCULUS	Vivo	1	Uni
II	B	MYIOPSITTA MONACHUS	Vivo	1	Uni
II	B	UROMASTYX ACANTHINURUS	Disecado	27	Uni
I	A	VARANUS GRISEUS	Disecado	5	Uni
III-TN	B	GAZELLA DORCAS	Disecado	4	Uni

APÉNDICE	ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
I	A	ERETMOCHELYS IMBRICATA	Disecado	3	Uni
I/II	AB	CROCODYLUS NILOTICUS	Disecado	3	Uni
II	B	PSEUDALOPEX CULPAEUS	Disecado	2	Uni
II	B	RUPICOLA PERUVIANA	Disecado	1	Uni
I	A	CHELONIA MYDAS	Disecado	1	Uni
II	A	BUTEO RUFINUS	Disecado	1	Uni
I/II	AB	CAIMAN SP	Disecado	1	Uni
II	B	BUTEO SP	Disecado	1	Uni
I	A	CHELONIA MYDAS	Caparazón	2	Uni
I	A	ERETMOCHELYS IMBRICATA	Caparazón	1	Uni
II	B	KINIXYS EROSA	Caparazón	1	Uni
II	B	STROMBUS GIGAS	Conchas	77	Uni
II	B	TRIDACNA MAXIMA	Conchas	8	Uni
II	B	TRIDACNA SQUAMOSA	Conchas	2	Uni
II	B	PYTHON SEBAE	Pieles	6	Uni
I/II	AB	LOXODONTA AFRICANA	Pieles	2	Uni
I/II	AB	BOIDAE SP	Pieles	1	Uni
I/II	AB	LOXODONTA AFRICANA	Trofeos	2	Uni
II	B	AMMOTRAGUS LERVIA	Trofeos	1	Uni
I/II	AB	LOXODONTA AFRICANA	Colmillos	7	Uni
I/II	AB	ACIPENSERIFORMES SP	Caviar	600	Gr
II	B	ANTIPATHES SP	Coral	588	Gr
II	B	FUNGIA SP	Coral	340	Gr
II	B	PORITES SP	Coral	326	Gr
II	B	PAVONA SP	Coral	160	Gr
II	B	MEANDRINA SP	Coral	100	Gr
II	B	AGARICIA SP	Coral	95	Gr
II	B	MANICINA SP	Coral	70	Gr
II	B	CAULASTRAEA SP	Coral	7	Uni
II	B	HELIOFUNGIA SP	Coral	4	Uni
II	B	HELIOPIORA COERULEA	Coral	4	Uni
II	B	FUNGIA SP	Coral	3	Uni
II	B	OULOPHYLLA SP	Coral	3	Uni
II	B	ACROPORA SP	Coral	2	Uni
II	B	STYLASTER SP	Coral	1	Uni
II	B	PAVONA SP	Coral	1	Uni
II	B	FAVITES SP	Coral	1	Uni
II	B	TUBIPORA MUSICA	Coral	1	Uni
II	B	POCILLOPORA VERRUCOSA	Coral		Uni
I/II	AB	LOXODONTA AFRICANA	Talla	561	Gr

APÉNDICE	ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
II	B	PORITIDAE SP	Talla	106	Uni
I/II	AB	LOXODONTA AFRICANA	Talla	63	Uni
II	B	HIPPOPOTAMUS AMPHIBIUS	Talla	1	Uni
I/II	AB	VARANUS SP	Manufactura grande	2	Uni
II	B	ALLIGATOR MISSISSIPPIENSIS	Manufactura grande	1	Uni
I/II	AB	CROCODYLUS NILOTICUS	Manufactura pequeña	83	Uni
II	B	PYTHON SEBAE	Manufactura pequeña	20	Uni
I/II	AB	CROCODYLIDAE SP	Manufactura pequeña	2	Uni
I/II	AB	VARANUS SP	Manufactura pequeña	2	Uni
I/II	AB	VARANUS NILOTICUS	Manufactura pequeña	1	Uni
I/II	AB	CROCODYLUS SP	Manufactura pequeña	1	Uni
I/II	AB	VARANUS EXANTHEMATICUS	Manufactura pequeña	1	Uni
I/II	A	CETACEA SP	Hueso	4	Uni
I/II	AB	LOXODONTA AFRICANA	Pata	4	Uni
I/II	AB	LOXODONTA AFRICANA	Hueso	2	Uni
I/II	AB	LOXODONTA AFRICANA	Oreja	2	Uni
II	B	CEPHALOPHUS MONTICOLA	Cráneo	1	Uni
II	B	PAPIO HAMADRYAS URSINUS	Hueso	1	Uni
I/II	AB	LOXODONTA AFRICANA	Dientes	6	Uni

En el Anexo I de este documento se muestran los detalles de estas intervenciones, tal y como se incluyeron en el Informe Anual CITES de 2001.

A.1.1.- Examen de las intervenciones por productos

A.1.1.1.- Intervenciones de animales vivos

A.1.1.1.1.- Especímenes de especies incluidas en el Apéndice I del CITES:

No se produjo ninguna intervención de un animal vivo de una especie incluida en el Apéndice I del Convenio CITES.

A.1.1.1.2.- Especímenes de especies incluidas en el Anexo A del Reglamento 338/97.

Los especímenes vivos de especies incluidas en el Anexo A fueron:

APÉNDICE	ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
II	A	TESTUDO GRAECA	Vivo	179	Uni
II	A	CHAMAELEO CHAMAELEON	Vivo	4	Uni
II	A	BUTEO RUFINUS	Vivo	2	Uni
II	A	HIERAAETUS PENNATUS	Vivo	1	Uni
II	A	FALCO TINNUNCULUS	Vivo	1	Uni
II	A	CIRCAETUS GALLICUS	Vivo	1	Uni

Las intervenciones de ejemplares de *Testudo graeca* se producen principalmente a través de las Aduanas de Algeciras, Alicante y Melilla.

Los países desde donde proceden estos especímenes son:

SUMA	UNIDAD	PAIS PROCEDENCIA
161	Uni	Marruecos
18	Uni	Argelia

La práctica totalidad de las intervenciones de estas tortugas se realiza a viajeros que retornan por barco, coche o pie, quienes generalmente manifiestan haber adquirido estos animales en los mercados callejeros.

Las intervenciones de *Chamaeleo chamaeleon* y distintos ejemplares de *Falconiformes* corresponden, como en el caso de *Testudo graeca*, a intervenciones hechas a viajeros que retornan de Marruecos y Argelia.

A.1.1.1.3.- Especímenes de especies incluidas en el Anexo B.

APÉNDICE	ANEXO	ESPECIE	SUMA	UNIDAD	PAIS PROCEDENCIA
II	B	MIOPITHECUS TALAPOIN	23	Uni	Guinea Ecuatorial
II	B	ONCIDIUM MERICLONE	20	Uni	Taiwán
II	B	KINIXYS BELLIANA	20	Uni	Togo
II	B	RENANTHERA AZIMANBE	20	Uni	Taiwán
II	B	UROMASTYX SP	15	Uni	Marruecos
II	B	POICEPHALUS SENEGALUS	4	Uni	Senegal
II	B	PSITTACUS ERITHACUS	4	Uni	Marruecos
II	B	PSITTACUS ERITHACUS	2	Uni	Desconocido
II	B	MACACA SYLVANUS	2	Uni	Marruecos
II	B	IGUANA IGUANA	2	Uni	Desconocido

APÉNDICE	ANEXO	ESPECIE	SUMA	UNIDAD	PAIS PROCEDENCIA
II	B	UROMASTYX SPP	1	Uni	Marruecos
II	B	CALLITHRIX JACCHUS	1	Uni	Desconocido
II	B	PSITTACUS ERITHACUS TIMNEH	1	Uni	Senegal
II	B	UROMASTYX ACANTHINURUS	1	Uni	Marruecos
II	B	CHLOROCEBUS AETHIOPS	1	Uni	Desconocido
II	B	CERCOCEBUS AETHIOPS	1	Uni	Camerún
II	B	MYIOPSITTA MONACHUS	1	Uni	Desconocido

Los 23 ejemplares de *Miopithecus talapoin* fueron encontrados en el interior de una maleta de un viajero que llevaba consigo un permiso de origen falsificado, sin disponer del permiso de importación. Los 20 *Kynixis belliana* de Togo era un envío comercial carente de documentos CITES. El resto de los especímenes fueron intervenidos a distintos viajeros que carecían de documentos CITES, salvo las plantas, para las que se aportó un documento CITES que no pudo ser aceptado por diversas causas.

A.1.1.2.- Intervenciones de partes y derivados

A.1.1.2.1.- Especímenes de especies incluidas en el Apéndice I del CITES

Respecto a las intervenciones de marfil de *Loxodonta africana*, durante 2001 se produjeron las siguientes:

ESPECIE	DESCRIPCIÓN	CANTIDAD	UNIDAD	PAIS PROCEDENCIA
LOXODONTA AFRICANA	Colmillos	1	Uni	República Dominicana
LOXODONTA AFRICANA	Colmillos	1	Uni	Zimbabwe
LOXODONTA AFRICANA	Colmillos	4	Uni	Nigeria
LOXODONTA AFRICANA	Dientes	2	Uni	Camerún
LOXODONTA AFRICANA	Hueso	2	Uni	Camerún
LOXODONTA AFRICANA	Oreja	2	Uni	Camerún
LOXODONTA AFRICANA	Pata	2	Uni	Camerún
LOXODONTA AFRICANA	Pieles	1	Uni	Camerún
LOXODONTA AFRICANA	Talla	2	Uni	Guinea Ecuatorial
LOXODONTA AFRICANA	Talla	3	Uni	Camerún
LOXODONTA AFRICANA	Talla	3	Uni	Hong Kong
LOXODONTA AFRICANA	Talla	3	Uni	Mauritania
LOXODONTA AFRICANA	Talla	4	Uni	Guinea Ecuatorial
LOXODONTA AFRICANA	Talla	9	Uni	Nigeria
LOXODONTA AFRICANA	Talla	36	Uni	Togo

ESPECIE	DESCRIPCIÓN	CANTIDAD	UNIDAD	PAIS PROCEDENCIA
LOXODONTA AFRICANA	Talla	250	Gr	Costa de Marfil
LOXODONTA AFRICANA	Talla	311	Gr	Costa de Marfil
LOXODONTA AFRICANA	Trofeos	1	Uni	Camerún

En el caso de la intervención de 36 tallas de *Loxodonta africana* procedentes de Togo, éstas se hallaron ocultas en el doble fondo de una caja que contenía manufacturas de madera; posteriormente para este envío se aportaron documentos CITES que no fueron aceptados y que según las Autoridades de Togo se habían obtenido y usado fraudulentamente. En el resto de los casos se trataba de intervenciones hechas a viajeros que retornaban de viaje desde diversos países que visitaban, si bien en el caso de las intervenciones hechas a viajeros de Guinea Ecuatorial se observa que en muchos casos se trata de españoles que han nacido allí o que mantienen algún vínculo familiar con la antigua colonia española.

Respecto a las tortugas disecadas y varanos, cuyas intervenciones se resumen a continuación, se trata de intervenciones practicadas a viajeros procedentes de diferentes países:

ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
CHELONIA MYDAS	Caparazón	1	Uni	Guinea Ecuatorial
CHELONIA MYDAS	Caparazón	1	Uni	Mauritania
CHELONIA MYDAS	Disecado	1	Uni	Cuba
ERETMOCHELYS IMBRICATA	Caparazón	1	Uni	Guinea Ecuatorial
ERETMOCHELYS IMBRICATA	Disecado	1	Uni	República Dominicana
ERETMOCHELYS IMBRICATA	Disecado	2	Uni	Guinea Ecuatorial
VARANUS GRISEUS	Disecado	4	Uni	Argelia
VARANUS GRISEUS	Disecado	1	Uni	Marruecos

A.1.1.2.2.- Especímenes de especies incluidas en el Anexo A del Reglamento 338/97

Se produjo la siguiente intervención a un viajero que carecía del permiso de exportación:

ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
BUTEO RUFINUS	Disecado	1	Uni	Marruecos

A.1.1.2.3.- Especímenes de especies incluidas en el Anexo B del Reglamento 338/97:

Se produjeron distintas intervenciones a distintos viajeros procedentes de diferentes países como se ilustra a continuación:

ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
BUTEO SP	Disecado	1	Uni	Marruecos
PSEUDALOPEX CULPAEUS	Disecado	2	Uni	Ecuador
RUPICOLA PERUVIANA	Disecado	1	Uni	Perú
UROMASTYX ACANTHINURUS	Disecado	22	Uni	Argelia
UROMASTYX ACANTHINURUS	Disecado	1	Uni	Marruecos
UROMASTYX ACANTHINURUS	Disecado	3	Uni	Mauritania
UROMASTYX ACANTHINURUS	Disecado	1	Uni	Desconocido
KINIXYS EROSA	Caparazón	1	Uni	Guinea Ecuatorial
STROMBUS GIGAS	Conchas	31	Uni	Cuba
STROMBUS GIGAS	Conchas	44	Uni	República Dominicana
STROMBUS GIGAS	Conchas	1	Uni	Honduras
STROMBUS GIGAS	Conchas	1	Uni	Venezuela
TRIDACNA MAXIMA	Conchas	1	Uni	República Dominicana
TRIDACNA MAXIMA	Conchas	6	Uni	Fiji
TRIDACNA MAXIMA	Conchas	1	Uni	Mauricio
TRIDACNA SQUAMOSA	Conchas	2	Uni	Egipto
PYTHON SEBAE	Pieles	1	Uni	Costa de Marfil
PYTHON SEBAE	Pieles	2	Uni	Camerún
PYTHON SEBAE	Pieles	2	Uni	Guinea
PYTHON SEBAE	Pieles	1	Uni	Nigeria
AMMOTRAGUS LERVIA	Trofeos	1	Uni	Marruecos
ACROPORA SP	Coral	2	Uni	Mauricio
AGARICIA SP	Coral	95	Gr	Cuba
ANTIPATHES SP	Coral	510	Gr	Cuba
ANTIPATHES SP	Coral	78	Gr	Kenya
CAULASTRAEA SP	Coral	7	Uni	Cuba
FAVITES SP	Coral	1	Uni	Cuba
FUNGIA SP	Coral	340	Gr	Mauricio
FUNGIA SP	Coral	3	Uni	República Dominicana
HELIOFUNGIA SP	Coral	4	Uni	Filipinas
HELIOPORA COERULEA	Coral	4	Uni	Filipinas
MANICINA SP	Coral	70	Gr	Cuba
MEANDRINA SP	Coral	100	Gr	Cuba
OULOPHYLLA SP	Coral	3	Uni	Honduras
PAVONA SP	Coral	160	Gr	Mauricio
PAVONA SP	Coral	1	Uni	República Dominicana
POCILLOPORA VERRUCOSA	Coral		Uni	Fiji
PORITES SP	Coral	326	Gr	Cuba
STYLASTER SP	Coral	1	Uni	Cuba

ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
TUBIPORA MUSICA	Coral	1	Uni	Egipto
HIPPOPOTAMUS AMPHIBIUS	Talla	1	Uni	Togo
PORITIDAE SP	Talla	106	Uni	Indonesia
ALLIGATOR MISSISSIPPIENSIS	Manufactura grande	1	Uni	Indonesia
PYTHON SEBAE	Manufactura pequeña	20	Uni	Senegal
CEPHALOPHUS MONTICOLA	Cráneo	1	Uni	Camerún
PAPIO HAMADRYAS URSINUS	Hueso	1	Uni	Zimbabwe

A.2. - INTERVENCIONES PRODUCIDAS EN EL COMERCIO INTERIOR

En 2001, el Servicio de Protección de la Naturaleza (SEPRONA) de la Dirección General de la Guardia Civil, interpuso un total de 648 denuncias en relación con la comercialización y posesión de especímenes exóticos o autóctonos de especímenes incluidos en el Convenio CITES.

El siguiente cuadro ilustra el número y tipo de especímenes denunciados:

DESCRIPCIÓN	SUMA	UNIDAD
Vivo	1156	Uni
Disecado	2	Uni
Caparazón	19	Uni
Conchas	12	Uni
Piel	295	Uni
Ropa	62	Uni
Trofeos	1	Uni
Colmillos	18	Uni
Caviar	3	Uni
Trozos de marfil	152	Uni
Coral	14	Uni
Talla	44	Uni
Manufactura grande	7	Uni
Manufactura pequeña	47	Uni
Cráneo	10	Uni
Pata	1	Uni
Colas	13	Uni
Dientes	2	Uni
Trozo hueso	2	Uni

El total de especímenes intervenidos fue de 1860, que representa el total de especímenes denunciados por su exposición, exhibición, puesta a la venta y comercialización cuyo uso se presumía infringía lo dispuesto en el artículo 8, apartados 1 y 5, del Reglamento CE 338/97 del Consejo, de 9 de diciembre de 1996, relativo a la protección de especies de la fauna y flora silvestres mediante el control de su comercio. Por su cuantía, el mayor número de denuncias afectó a animales vivos (1156) seguido de las tallas de marfil y de otras partes y derivados.

Dada la heterogeneidad de las especies denunciadas, a continuación resumimos el tipo de especímenes denunciados clasificados por órdenes taxonómicos o familias:

Fauna:

ORDEN	DESCRIPCIÓN	SUMA	UNIDAD
ARANEAE	Vivo	1	Uni
ARTIODACTYLA	Vivo	4	Uni
CARNIVORA	Vivo	54	Uni
CHIROPTERA	Vivo	1	Uni
CROCODYLIA	Vivo	8	Uni
DIPROTODONTIA	Vivo	3	Uni
FALCONIFORMES	Vivo	62	Uni
PASSERIFORMES	Vivo	27	Uni
PICIFORMES	Vivo	1	Uni
PRIMATES	Vivo	66	Uni
PROBOSCIDEA	Vivo	4	Uni
PSITTACIFORMES	Vivo	150	Uni
RHEIFORMES	Vivo	5	Uni
SAURIA	Vivo	124	Uni
SCORPIONES	Vivo	3	Uni
SERPENTES	Vivo	36	Uni
STRIGIFORMES	Vivo	36	Uni
STRUTHIONIFORMES	Vivo	9	Uni
TESTUDINES	Vivo	524	Uni
TESTUDINES	Disecado	2	Uni
TESTUDINES	Caparazón	19	Uni
MESOGASTROPODA	Conchas	12	Uni
CARNIVORA	Pieles	290	Uni
SERPENTES	Pieles	5	Uni
CARNIVORA	Ropa	62	Uni
STRUTHIONIFORMES	Trofeos	1	Uni
PROBOSCIDEA	Colmillos	18	Uni

ORDEN	DESCRIPCIÓN	SUMA	UNIDAD
FALCONIFORMES	Huevos	3	Uni
PROBOSCIDEA	Trozos de marfil	152	Uni
SCLERACTINIA	Coral	14	Uni
ARTIODACTYLA	Talla	1	Uni
PROBOSCIDEA	Talla	43	Uni
CARNIVORA	Manufactura grande	4	Uni
SAURIA	Manufactura grande	1	Uni
SERPENTES	Manufactura grande	2	Uni
CROCODYLIA	Manufactura pequeña	40	Uni
SERPENTES	Manufactura pequeña	7	Uni
CARNIVORA	Cráneo	4	Uni
CROCODYLIA	Cráneo	3	Uni
PRIMATES	Cráneo	3	Uni
PROBOSCIDEA	Pata	1	Uni
CARNIVORA	Colas	13	Uni
PROBOSCIDEA	Dientes	2	Uni
CETACEA	Trozo hueso	2	Uni

Flora:

ORDEN	DESCRIPCIÓN	SUMA	UNIDAD
CACTACEAE	Vivo	38	Uni

El **ANEXO 2** adjunto a este documento muestra los especímenes denunciados, clasificados por especies.

A.2.1.- Examen de las denuncias por productos

A.2.1.1.- Denuncias de animales vivos

A.2.1.1.1.- Especímenes de especies incluidas en el Apéndice I del CITES:

Las denuncias afectaron a las siguientes especies:

ORDEN	APÉNDICE ANEXO	ESPECIE	SUMA	UNIDAD
PRIMATES	IA	LEMUR FULVUS	1	Uni
PRIMATES	IA	PAN TROGLODYTES	10	Uni
CARNIVORA	IA	PANTHERA ONCA	1	Uni
CARNIVORA	IA	PANTHERA TIGRIS	22	Uni

ORDEN	APÉNDICE ANEXO	ESPECIE	SUMA	UNIDAD
PROBOSCIDEA	IA	ELEPHAS MAXIMUS	4	Uni
FALCONIFORMES	IA	FALCO PEREGRINUS	4	Uni
FALCONIFORMES	IA	FALCO RUSTICOLUS	2	Uni
PSITTACIFORMES	IA	AMAZONA TUCUMANA	4	Uni
PSITTACIFORMES	IA	ARA MARACANA	3	Uni
PSITTACIFORMES	IA	CYANORAMPHUS NOVAEZELANDIAE	2	Uni
TESTUDINES	IA	GEOCHELONE RADIATA	4	Uni
TESTUDINES	IA	CARETTA CARETTA	6	Uni
TESTUDINES	IA	CHELONIA MYDAS	2	Uni
TESTUDINES	IA	ERETMOCHELYS IMBRICATA	2	Uni
CACTACEAE	IA	ARIOCARPUS SP	10	Uni
CACTACEAE	IA	ASTROPHYTUM ASTERIAS	5	Uni
CACTACEAE	IA	AZTEKIUM RITTERI	1	Uni
CACTACEAE	IA	OBREGONIA DENEGRII	1	Uni
CACTACEAE	IA	TURBINICARPUS SP	20	Uni
CACTACEAE	IA	TURBINICARPUS PSEUDOMACROCHELE	1	Uni

Estos animales eran utilizados sin Certificados CITES que los acompañaran, si bien en algunos casos ese Certificado CITES había sido solicitado.

A.2.1.1.2.- Especímenes incluidos en el Anexo A del Reglamento 338/97:

Se denunciaron los siguientes especímenes de especies incluidas en los Apéndices II o III del CITES pero inscritas en el Anexo A del Reglamento:

ORDEN	APÉNDICE ANEXO	ESPECIE	SUMA	UNIDAD
CARNIVORA	IIA	LYNX LYNX	1	Uni
FALCONIFORMES	IIA	ACCIPITER GENTILIS	9	Uni
FALCONIFORMES	IIA	AEGYPIUS MONACHUS	1	Uni
FALCONIFORMES	IIA	BUTEO BUTEO	1	Uni
FALCONIFORMES	IIA	CIRCAETUS GALLICUS	1	Uni
FALCONIFORMES	IIA	CIRCUS AERUGINOSUS	1	Uni
FALCONIFORMES	IIA	GYPUS FULVUS	1	Uni
FALCONIFORMES	IIA	HIERAAETUS FASCIATUS	2	Uni
FALCONIFORMES	IIA	MILVUS MIGRANS	1	Uni
FALCONIFORMES	IIA	MILVUS MILVUS	1	Uni

ORDEN	APÉNDICE ANEXO	ESPECIE	SUMA	UNIDAD
FALCONIFORMES	IIA	FALCO CHERRUG	3	Uni
FALCONIFORMES	IIA	FALCO TINNUNCULUS	13	Uni
STRIGIFORMES	IIA	TYTO ALBA	5	Uni
STRIGIFORMES	IIA	ASIO FLAMMEUS	1	Uni
STRIGIFORMES	IIA	ASIO OTUS	1	Uni
STRIGIFORMES	IIA	ATHENE NOCTUA	1	Uni
STRIGIFORMES	IIA	BUBO BUBO	17	Uni
STRIGIFORMES	IIA	NYCTEA SCANDIACA	2	Uni
STRIGIFORMES	IIA	OTUS SCOPS	1	Uni
STRIGIFORMES	IIA	STRIX ALUCO	2	Uni
TESTUDINES	IIA	TESTUDO GRAECA	336	Uni
TESTUDINES	IIA	TESTUDO HERMANNI	12	Uni
TESTUDINES	IIA	TESTUDO MARGINATA	119	Uni
SAURIA	IIA	CHAMAELEO CHAMAELEON	34	Uni

Algunos de estos animales eran utilizados sin Certificado CITES que los acompañara, mientras que en otros casos fueron recuperaciones de animales silvestres heridos (algunas aves y reptiles).

A.2.1.1.3.- Especímenes de especies incluidas en el Anexo B.

La diversidad de especímenes vivos denunciados se puede resumir en los siguientes grupos:

ORDEN	SUMA	UNIDAD
ARANEAE	1	Uni
ARTIODACTYLA	4	Uni
CARNIVORA	26	Uni
CROCODYLIA	1	Uni
DIPROTODONTIA	3	Uni
FALCONIFORMES	14	Uni
PASSERIFORMES	27	Uni
PICIFORMES	1	Uni
PRIMATES	54	Uni
PSITTACIFORMES	138	Uni
RHEIFORMES	5	Uni
SAURIA	82	Uni
SCORPIONES	3	Uni

ORDEN	SUMA	UNIDAD
SERPENTES	34	Uni
STRIGIFORMES	6	Uni
TESTUDINES	2	Uni

De entre ellos, destacan la denuncias por ventas de aves *Psittaciformes*, de las especies *Agapornis roseicollis* (62 aves), *Psittacus erithacus* (19 aves) y otras; se trata de especies corrientes en el comercio que fueron denunciadas en la mayoría de los casos por entender que la documentación aportada para demostrar la legal importación o adquisición a que se refiere el apartado 5 del artículo 8 del Reglamento 338/97 era insuficiente.

En segundo lugar se encuentran los saurios, entre ellos *Iguana iguana* y *Uromastyx acanthinura*, la primera especie muy corriente en el comercio que se denunciaron por presumir que no se satisfacía el artículo 8.5 del Reglamento 338/97, y la segunda, especie poco habitual que suele ser introducida ilegalmente desde Marruecos.

En tercer lugar, se denuncian primates, con 54 ejemplares, de las especies *Callithrix jacchus*, *Macaca sylvanus* principalmente.

A.2.1.2.- Denuncias de partes y derivados

A.2.1.2.1.- Especímenes de especies incluidas en el Apéndice I del CITES.

Las denuncias formuladas en relación con partes y derivados de especímenes de especies incluidas en el Apéndice I del CITES fueron:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IA	ACINONYX JUBATUS	Ropa	1	Uni
IA	LEOPARDUS PARDALIS	Pieles	2	Uni
IA	LEOPARDUS PARDALIS	Ropa	2	Uni
IA	LEOPARDUS WIEDII	Pieles	5	Uni
IA	PANTHERA ONCA	Ropa	1	Uni
IA	PANTHERA PARDUS	Pieles	1	Uni
IA	PANTHERA PARDUS	Ropa	1	Uni
I/II AB	LOXODONTA AFRICANA	Colmillos	18	Uni
I/II AB	LOXODONTA AFRICANA	Dientes	2	Uni
I/II AB	LOXODONTA AFRICANA	Pata	1	Uni

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
I/II AB	LOXODONTA AFRICANA	Talla	43	Uni
I/II AB	LOXODONTA AFRICANA	Trozos de marfil	152	Uni
IA	CARETTA CARETTA	Caparazón	1	Uni
IA	CHELONIA MYDAS	Caparazón	1	Uni
IA	ERETMOCHELYS IMBRICATA	Disecado	2	Uni

A.2.1.2.2.- Especímenes de especies incluidas en el Anexo A del Reglamento 338/97.

Se denunciaron los siguientes especímenes:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
I/II A	URSUS ARCTOS	Pieles	1	Uni
IIA	LYNX LYNX	Cráneo	1	Uni
IIA	LYNX LYNX	Pieles	3	Uni
I/II A	CETACEA SP	Trozo hueso	2	Uni
IIA	TESTUDO GRAECA	Caparazón	17	Uni

A.2.1.2.3.- Especímenes de especies incluidas en el Anexo B del Reglamento 338/97.

Se produjeron denuncias en relación con los siguientes objetos, por no poder acreditar la legal adquisición de los mismos conforme a lo establecido en el artículo 8 apartado 5 del Reglamento 338/97:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IIB	PAPIO HAMADRYAS	Cráneo	1	Uni
IIB	PAPIO PAPIO	Cráneo	2	Uni
I/II AB	LUTRA SP	Pieles	272	Uni
I/II AB	LUTRA SP	Ropa	57	Uni
I/II AB	FELIDAE SP	Colas	13	Uni
I/II AB	FELIDAE SP	Manufactura grande	4	Uni
I/II AB	FELIDAE SP	Pieles	4	Uni
IIB	PUMA CONCOLOR	Cráneo	2	Uni
IIB	PUMA CONCOLOR	Pieles	2	Uni
IIB	PANTHERA LEO	Cráneo	1	Uni

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IIB	HIPPOPOTAMUS AMPHIBIUS	Talla	1	Uni
IIB	ACCIPITER SP	Huevos	3	Uni
I/II AB	CROCODYLIA SP	Cráneo	2	Uni
I/II AB	CROCODYLIA SP	Manufactura pequeña	40	Uni
I/II AB	CAIMAN SP	Cráneo	1	Uni
I/II AB	VARANUS SP	Manufactura grande	1	Uni
I/II AB	PYTHON SP	Manufactura grande	2	Uni
I/II AB	PYTHON SP	Manufactura pequeña	7	Uni
I/II AB	PYTHON SP	Pieles	4	Uni
IIB	NAJA NAJA	Pieles	1	Uni
IIB	STROMBUS GIGAS	Conchas	12	Uni
IIB	PAVONA SP	Coral	1	Uni
IIB	FUNGIA SP	Coral	3	Uni
IIB	OULOPHYLLA SP	Coral	10	Uni

B.1. - AÑO 2002

B.1. INTERVENCIONES PRODUCIDAS EN COMERCIO EXTERIOR

En el año 2002, se produjeron un total de 227 intervenciones, consistentes en las siguientes mercancías:

DESCRIPCIÓN	SUMA	UNIDAD
Vivo	2344	Uni
Disecado	45	Uni
Caparazón	1	Uni
Conchas	28369	Uni
Pieles	307	Uni
Trofeos	9	Uni
Colmillos	7	Uni
Caviar	59	Kg
Coral	1560	Gr
Coral	28329	Kg
Coral	40	Uni
Talla	706	Uni
Manufactura grande	7	Uni
Manufactura pequeña	68	Uni
Oreja	2	Uni
Trozos de piel	1	Uni

DESCRIPCIÓN	SUMA	UNIDAD
Dientes	4	Uni
Madera aserrada	200	Gr
Madera aserrada	2,53	m3
Chapa de madera	28	m2

Las especies intervenidas fueron:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IIB	CATTLEYA HIBRIDO	Vivo	804	Uni
IIB	VANDA HIBRIDO	Vivo	551	Uni
IIA	TESTUDO GRAECA	Vivo	525	Uni
IIB	DENDROBIUM HIBRIDO	Vivo	200	Uni
IIB	ASCOCENTRUM X VANDA	Vivo	154	Uni
III-GH/C	PELOMEDUSA SUBRUFA	Vivo	15	Uni
IIB	UROMASTYX SP	Vivo	13	Uni
IIB	HYDNOPHORA MICROCONOS	Vivo	12	Uni
IIB	GEOCHELONE CARBONARIA	Vivo	10	Uni
IIA	CHAMAELEO CHAMAELEON	Vivo	8	Uni
I/II AB	ORCHIDACEAE SP	Vivo	8	Uni
IIB	MACACA SYLVANUS	Vivo	8	Uni
III-GH/C	PSITTACULA KRAMERI	Vivo	7	Uni
IIB	MIOPITHECUS TALAPOIN	Vivo	7	Uni
IIB	TROPIDOPHIS SP	Vivo	5	Uni
IIB	PSITTACUS ERITHACUS	Vivo	5	Uni
IIB	KINIXYS BELLIANA	Vivo	3	Uni
I/II AB	MACACA SP	Vivo	3	Uni
IIA	BUTEO RUFINUS	Vivo	3	Uni
IIA	HIERAAETUS PENNATUS	Vivo	1	Uni
IIA	FALCO TINNUNCULUS	Vivo	1	Uni
IIB	UROMASTYX ACANTHINURA	Vivo	1	Uni
IIB	UROMASTYX ACANTHINURA	Disecado	15	Uni
IIB	UROMASTYX SP	Disecado	13	Uni
IA	VARANUS GRISEUS	Disecado	5	Uni
III-TN/B	GAZELLA DORCAS	Disecado	4	Uni
IA	CHELONIA MYDAS	Disecado	2	Uni
IA	ERETMOCHELYS IMBRICATA	Disecado	2	Uni
IIB	VULPES ZERDA	Disecado	1	Uni
IA	FELIS WIEDII	Disecado	1	Uni
I/II AB	CAIMAN CROCODILUS	Disecado	1	Uni

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IA	CROCODYLUS RHOMBIFER	Disecado	1	Uni
IA	CHELONIA MYDAS	Caparazón	1	Uni
IIB	STROMBUS GIGAS	Conchas	13790	Uni
IIB	TRIDACNA SQUAMOSA	Conchas	790	Uni
IIB	TRIDACNA GIGAS	Conchas	8	Uni
IIB	TRIDACNA MAXIMA	Conchas	8	Uni
IIB	CAIMAN CROCODYLUS FUSCUS	Pieles	300	Uni
I/II AB	CROCODYLUS NILOTICUS	Pieles	4	Uni
IIB	PYTHON SEBAE	Pieles	1	Uni
IIB	BOA CONSTRICTOR	Pieles	1	Uni
IIB	PUMA CONCOLOR	Pieles	1	Uni
I/II AB	LOXODONTA AFRICANA	Trofeos	4	Uni
IIB	PAPIO HAMADRYAS ANUBIS	Trofeos	1	Uni
I/II AB	CANIS LUPUS	Trofeos	1	Uni
IA	CAPRA FALCONERI	Trofeos	1	Uni
IIB	HIPPOPOTAMUS AMPHIBIUS	Trofeos	1	Uni
IIB	LYNX CANADENSIS	Trofeos	1	Uni
I/II AB	LOXODONTA AFRICANA	Colmillos	5	Uni
I/II/NL AB	ELEPHANTIDAE SP	Colmillos	2	Uni
I/II AB	ACIPENSERIFORMES SP	Caviar	59	Kg
IIB	HELIOPORA COERULEA	Coral	28320	Kg
IIB	MEANDRINA SP	Coral	1160	Gr
IIB	ACROPORA SP	Coral	400	Gr
IIB	CAULASTRAEA SP	Coral	12	Uni
IIB	PLATYGYRA SP	Coral	9	Kg
IIB	MEANDRINA MEANDRITES	Coral	9	Uni
IIB	PORITES SP	Coral	7	Uni
IIB	POCILLOPORA DAMICORNIS	Coral	5	Uni
IIB	DIPLORIA SP	Coral	2	Uni
IIB	FAVIA SP	Coral	1	Uni
IIB	MONTASTRAEA SP	Coral	1	Uni
IIB	DENDROGYRA SP	Coral	1	Uni
IIB	SCLERACTINIA SP	Coral	1	Uni
IIB	FAVITES SP	Coral	1	Uni
IIB	HELIOPORA COERULEA	Talla	644	Uni
I/II AB	LOXODONTA AFRICANA	Talla	26	Uni
IIB	PYTHON SEBAE	Manufactura grande	3	Uni
I/II AB	CROCODYLUS NILOTICUS	Manufactura grande	2	Uni
I/II AB	VARANUS SP	Manufactura grande	1	Uni

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IIB	CAIMAN CROCODILUS FUSCUS	Manufactura grande	1	Uni
I/II AB	CROCODYLIDAE SP	Manufactura pequeña	54	Uni
IIB	PYTHON SEBAE	Manufactura pequeña	12	Uni
I/II AB	CROCODYLUS NILOTICUS	Manufactura pequeña	2	Uni
I/II AB	LOXODONTA AFRICANA	Oreja	2	Uni
I/II AB	LOXODONTA AFRICANA	Trozos de piel	1	Uni
I/II AB	LOXODONTA AFRICANA	Dientes	4	Uni
III/BO-BR-CR-MX/C	SWIETENIA MACROPHYLLA	Madera aserrada	100	Gr
IIIC	CEDRELA ODORATA	Madera aserrada	100	Gr
IIIC	CEDRELA ODORATA	Madera aserrada	3	m3
III/BO-BR-CR-MX/C	SWIETENIA MACROPHYLLA	Chapa de madera	28	m2

En el **ANEXO 3** de este documento se muestran los detalles de estas intervenciones, tal y como se incluyeron en el Informe Anual CITES de España de 2002, con adición de una columna en la que se indica el nombre de la Aduana en donde fue intervenida.

B.1.1.- Examen de las intervenciones por productos

B.1.1.1.- Intervenciones de animales vivos

B. 1.1.1.2 Especímenes de especies incluidas en el Apéndice I del Convenio CITES

Durante el año 2002 no se intervino ningún ejemplar vivo de una especie incluida en el Apéndice I del Convenio CITES.

B.1.1.1.2.- Especímenes de especies incluidas en el Anexo A del Reglamento 338/97

Los especímenes vivos de especies incluidos en el Anexo A fueron:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IIA	TESTUDO GRAECA	Vivo	525	Uni
IIA	CHAMAELEO CHAMAELEON	Vivo	8	Uni
IIA	BUTEO RUFINUS	Vivo	3	Uni
IIA	HIERAAETUS PENNATUS	Vivo	1	Uni

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IIA	FALCO TINNUNCULUS	Vivo	1	Uni

Las intervenciones de ejemplares vivos de *Testudo graeca* se producen a través de las siguientes Aduanas:

ADUANA	SUMA	UNIDAD
Aduana Algeciras	346	Uni
Aduana Alicante	111	Uni
Aduana Melilla	58	Uni
Aduana Málaga	8	Uni
Aduana Bilbao	2	Uni

Los especímenes de donde proceden estos especímenes son:

SUMA	UNIDAD	PAIS PROCEDENCIA
412	Uni	Marruecos
111	Uni	Argelia
2	Uni	Túnez

Hubo una intervención de 249 especímenes que eran transportados en el interior de una furgoneta; el resto de los especímenes son intervenidos a viajeros que retornan por barco, coche o pie, quienes generalmente manifiestan haber adquirido estos animales en mercados callejeros. Las intervenciones de otras especies animales (*Chamaeleo chamaeleon*, aves rapaces) también fueron practicados sobre viajeros.

Si bien la cantidad de animales intervenidos fue muy superior a la del año anterior, las circunstancias de adquisición y/o intervención fueron similares al año 2001.

B.1.1.1.3 Especímenes de especies incluidas en el Anexo B

Los especímenes vivos de especies incluidas en el Anexo B fueron:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	Unidades
IIB	CATTLEYA HIBRIDO	Vivo	804	Uni
IIB	VANDA HIBRIDO	Vivo	551	Uni
IIB	DENDROBIUM HIBRIDO	Vivo	200	Uni
IIB	ASCOCENTRUM X VANDA	Vivo	154	Uni
IIB	UROMASTYX SP	Vivo	13	Uni

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	Unidades
IIB	HYDNOPHORA MICROCONOS	Vivo	12	Uni
IIB	GEOCHELONE CARBONARIA	Vivo	10	Uni
IIB	MACACA SYLVANUS	Vivo	8	Uni
I/II AB	ORCHIDACEAE SP	Vivo	8	Uni
IIB	MIOPITHECUS TALAPOIN	Vivo	7	Uni
IIB	TROPIDOPHIS SP	Vivo	5	Uni
IIB	PSITTACUS ERITHACUS	Vivo	5	Uni
IIB	KINIXYS BELLIANA	Vivo	3	Uni
I/II AB	MACACA SP	Vivo	3	Uni
IIB	UROMASTYX ACANTHINURA	Vivo	1	Uni

La intervención de un elevado número de plantas se debió a que el importador no había obtenido antes de la importación el debido permiso de importación. La intervención de los *Uromastyx* y los monos *Macaca sylvanus* se practicaron a distintos viajeros.

La intervención de un envío con 10 *Geochelone carbonaria* se debió a que ninguno de los especímenes venía marcado con las marcas indicadas en el permiso.

La intervención de 7 *Miopithecus talapoin* en un vuelo de pasajeros se produjo como consecuencia de la inspección del doble fondo de una caja para transportar perros que hacía un importador que previamente había solicitado un permiso de importación para estos mismos animales sin éxito.

Los *Hydnophora microconos*, los *Tropidophis sp* y las *Kinixys belliana* fueron especímenes intervenidos a empresas que los trajeron sin tener el permiso de importación, y en el caso de las *Kinixys* por no tener el tamaño que les correspondía según el permiso de importación concedido. El resto de las intervenciones fueron practicadas a distintos viajeros.

B.1.1.2.- Intervenciones de partes y derivados

B.1.1.2.1. Especímenes de especies incluidas en el Apéndice I del Convenio CITES.

Respecto a las intervenciones de marfil de *Loxodonta africana* y otros marfiles de elefante, durante 2002 se produjeron las siguientes:

ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
LOXODONTA AFRICANA	Talla	14	Uni	Camerún
LOXODONTA AFRICANA	Talla	4	Uni	Sudáfrica
LOXODONTA AFRICANA	Talla	4	Uni	Senegal

ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
LOXODONTA AFRICANA	Dientes	4	Uni	Camerún
LOXODONTA AFRICANA	Colmillos	4	Uni	Camerún
ELEPHANTIDAE SP	Colmillos	2	Uni	China
LOXODONTA AFRICANA	Talla	2	Uni	Guinea Ecuatorial
LOXODONTA AFRICANA	Talla	2	Uni	Guinea Ecuatorial
LOXODONTA AFRICANA	Oreja	2	Uni	Camerún
LOXODONTA AFRICANA	Trozos de piel	1	Uni	Camerún
LOXODONTA AFRICANA	Trofeos	1	Uni	Zimbabwe
LOXODONTA AFRICANA	Trofeos	1	Uni	Camerún
LOXODONTA AFRICANA	Trofeos	1	Uni	Camerún
LOXODONTA AFRICANA	Trofeos	1	Uni	Camerún
LOXODONTA AFRICANA	Colmillos	1	Uni	Guinea Ecuatorial

Salvo en los envíos desde Camerún de diversos trofeos de caza que se intervinieron porque no venían descritos en los permisos de origen, se trata habitualmente de viajeros que adquieren estos artículos en los países que visitan. Para dos de las intervenciones hechas desde Guinea Ecuatorial se pretendieron aportar permisos retroactivos que no fueron aceptados.

Respecto a los restantes especímenes de especies incluidas en el Apéndice I, se trata de intervenciones de tortugas disecadas, varanos y cocodrilos y un trofeo de caza, cuyas intervenciones se resumen a continuación, practicadas a viajeros procedentes de diversos países:

ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
CAPRA FALCONERI	Trofeos	1	Uni	Uzbekistán
CHELONIA MYDAS	Caparazón	1	Uni	Mauritania
CHELONIA MYDAS	Disecado	2	Uni	Cuba
CROCODYLUS RHOMBIFER	Disecado	1	Uni	Cuba
ERETMOCHELYS IMBRICATA	Disecado	2	Uni	República Dominicana
FELIS WIEDII	Disecado	1	Uni	Ecuador
VARANUS GRISEUS	Disecado	5	Uni	Argelia

B.1.1.2.2. Especímenes de especies incluidas en el Anexo A del Reglamento 338/97

No se produjeron intervenciones a viajeros de mercancías distintos de animales vivos de especies incluidas en el Anexo A del Reglamento.

B.1.1.2.3.- Especímenes de especies incluidas en el Anexo B del Reglamento 338/97

Se produjeron las siguientes intervenciones por carecer el envío del permiso de exportación CITES de origen:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
IIB	VULPES ZERDA	Disecado	1	Uni	Marruecos
IIB	PUMA CONCOLOR	Pieles	1	Uni	Chile
IIB	LYNX CANADENSIS	Trofeos	1	Uni	Canadá
III-TN/B	GAZELLA DORCAS	Disecado	4	Uni	Argelia
I/II AB	CAIMAN CROCODILUS	Disecado	1	Uni	Marruecos
I/II AB	CROCODYLUS NILOTICUS	Pieles	3	Uni	Camerún
I/II AB	CROCODYLUS NILOTICUS	Pieles	1	Uni	Senegal
I/II AB	CROCODYLUS NILOTICUS	Manufactura grande	2	Uni	Camerún
I/II AB	CROCODYLUS NILOTICUS	Manufactura pequeña	2	Uni	Senegal
IIB	UROMASTYX SP	Disecado	1	Uni	Marruecos
IIB	UROMASTYX SP	Disecado	12	Uni	Marruecos
IIB	UROMASTYX ACANTHINURA	Disecado	13	Uni	Argelia
IIB	UROMASTYX ACANTHINURA	Disecado	1	Uni	Argelia
IIB	UROMASTYX ACANTHINURA	Disecado	1	Uni	Desconocido
I/II AB	VARANUS SP	Manufactura grande	1	Uni	Senegal
IIB	BOA CONSTRICTOR	Pieles	1	Uni	Colombia
IIB	PYTHON SEBAE	Pieles	1	Uni	Malí
IIB	PYTHON SEBAE	Manufactura grande	3	Uni	Senegal
IIB	PYTHON SEBAE	Manufactura pequeña	12	Uni	Senegal
I/II AB	ACIPENSERIFORMES SP	Caviar	30	Kg	Federación Rusa
I/II AB	ACIPENSERIFORMES SP	Caviar	21	Kg	Federación Rusa
I/II AB	ACIPENSERIFORMES SP	Caviar	8	Kg	Turquía
IIB	TRIDACNA GIGAS	Conchas	8	Uni	Filipinas
IIB	TRIDACNA MAXIMA	Conchas	8	Uni	Kenya
IIB	TRIDACNA SQUAMOSA	Conchas	790	Uni	Filipinas
IIB	STROMBUS GIGAS	Conchas	2	Uni	Colombia
IIB	STROMBUS GIGAS	Conchas	2	Uni	Cuba
IIB	STROMBUS GIGAS	Conchas	5	Uni	Cuba
IIB	STROMBUS GIGAS	Conchas	8	Uni	República Dominicana

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
IIB	STROMBUS GIGAS	Conchas	1	Uni	Jamaica
IIB	SCLERACTINIA SP	Coral	1	Uni	Cuba
IIB	POCILLOPORA DAMICORNIS	Coral	5	Uni	Australia
IIB	ACROPORA SP	Coral	400	Gr	Kenya
IIB	PORITES SP	Coral	7	Uni	Cuba
IIB	CAULASTRAEA SP	Coral	12	Uni	Cuba
IIB	DIPLORIA SP	Coral	2	Uni	Cuba
IIB	FAVIA SP	Coral	1	Uni	Cuba
IIB	FAVITES SP	Coral	1	Uni	Cuba
IIB	MONTASTRAEA SP	Coral	1	Uni	Cuba
IIB	PLATYGYRA SP	Coral	9	Kg	Cuba
IIB	DENDROGYRA SP	Coral	1	Uni	Cuba
IIB	MEANDRINA SP	Coral	1160	Gr	Cuba
IIB	MEANDRINA MEANDRITES	Coral	9	Uni	Cuba
IIB	HELIOPORA COERULEA	Coral	28320	Kg	Filipinas
IIB	HELIOPORA COERULEA	Talla	644	Uni	Filipinas
III/BO-BR-CR-MX/C	SWIETENIA MACROPHYLLA	Madera aserrada	100	Gr	Colombia

De estos destacan dos envíos comerciales de *Heliopora coerulea* y de *Tridacna gigas* y de *Tridacna squamosa* procedentes de Filipinas, los cuales fueron hallados ocultos en el interior de un contenedor sin estar declarados estos en las facturas. Los envíos de caviar de la Federación Rusa y de Turquía fueron detectados en viajeros, conteniendo el de Turquía 16 latas de 500 grs., y el de la Federación Rusa 61 latas de 500 grs. y otro de 42 latas de 500 grs.

Asimismo, y con documentación CITES de origen se intervinieron los siguientes especímenes por diversos motivos:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
IIB	PAPIO HAMADRYAS ANUBIS	Trofeos	1	Uni	Camerún
I/II AB	CANIS LUPUS	Trofeos	1	Uni	Bulgaria
IIB	HIPPOPOTAMUS AMPHIBIUS	Trofeos	1	Uni	Camerún
IIB	CAIMAN CROCODILUS FUSCUS	Pieles	300	Uni	Colombia
IIB	CAIMAN CROCODILUS	Manufactura	1	Uni	Tailandia

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD	PAIS PROCEDENCIA
	FUSCUS	grande			
I/II AB	CROCODYLIDAE SP	Manufactura pequeña	23	Uni	Nicaragua
I/II AB	CROCODYLIDAE SP	Manufactura pequeña	31	Uni	Nicaragua
IIB	STROMBUS GIGAS	Conchas	13772	Uni	Haití
III/BO-BR-CR-MX/C	SWIETENIA MACROPHYLLA	Chapa de madera	28	m2	Brasil

Destaca el envío de 300 pieles de cocodrilo que fueron rehusadas por no coincidir el tamaño con el notificado por Colombia, unas manufacturas de cocodrilo de Nicaragua cuya especie no se correspondía con la que figuraba en el permiso, y 13772 conchas de Haití que se rehusaron por no coincidir el tamaño con el declarado en el permiso. La madera rehusada lo fue por existir dudas fundadas acerca de la validez del permiso brasileño.

B.2. INTERVENCIONES PRODUCIDAS EN EL COMERCIO INTERIOR

En 2002, el Servicio de Protección de la Naturaleza (SEPRONA) de la Dirección General de la Guardia Civil, interpuso un total de 729 denuncias en relación con la comercialización y posesión de especímenes exóticos o autóctonos de especímenes incluidos en el Convenio CITES.

El siguiente cuadro ilustra el número y tipo de especímenes denunciados:

DESCRIPCIÓN	SUMA	UNIDAD
Vivo	1047	Uni
Disecado	31	Uni
Caparazón	26	Uni
Conchas	2	Uni
Pieles	6	Uni
Colmillos	20	Uni
Coral	10	Kg
Talla	1048	Uni
Manufactura grande	10	Uni
Manufactura pequeña	136	Uni
Cráneo	3	Uni
Pata	2	Uni
Dientes	4	Uni
Madera aserrada	409	Kg

DESCRIPCIÓN	SUMA	UNIDAD
Madera aserrada	30	m3

El total de especímenes intervenidos fue de 2335 unidades, 419 kg y 30 m3, siendo la práctica totalidad de ellos especímenes denunciados por su exposición, exhibición, puesta a la venta y comercialización cuyo uso se presumía infringía lo dispuesto en el artículo 8, apartados 1 y 5 del Reglamento 338/97. Por su cuantía, el mayor número de denuncias afectaron a tallas (1048) la mayoría de las cuales eran collares de coral, y a animales vivos (1047) la mayoría de las cuales eran tortugas y aves *Psittaciformes*.

Dada la heterogeneidad de las especies denunciadas, a continuación resumimos el tipo de especímenes denunciados clasificados por órdenes taxonómicos o familias:

Fauna:

ORDEN	DESCRIPCIÓN	SUMA	UNIDAD
ARTIODACTYLA	Vivo	3	Uni
CARNIVORA	Vivo	44	Uni
CETACEA	Vivo	16	Uni
CROCODYLIA	Vivo	13	Uni
FALCONIFORMES	Vivo	67	Uni
GALLIFORMES	Vivo	4	Uni
PASSERIFORMES	Vivo	77	Uni
PICIFORMES	Vivo	1	Uni
PRIMATES	Vivo	52	Uni
PROBOSCIDEA	Vivo	8	Uni
PSITTACIFORMES	Vivo	196	Uni
RHEIFORMES	Vivo	1	Uni
RODENTIA	Vivo	2	Uni
SAURIA	Vivo	97	Uni
SCORPIONES	Vivo	25	Uni
SERPENTES	Vivo	30	Uni
STRIGIFORMES	Vivo	56	Uni
STRUTHIONIFORMES	Vivo	5	Uni
TESTUDINES	Vivo	350	Uni
CARNIVORA	Disecado	1	Uni
CROCODYLIA	Disecado	8	Uni
FALCONIFORMES	Disecado	2	Uni
SAURIA	Disecado	18	Uni
TESTUDINES	Disecado	2	Uni
TESTUDINES	Caparazón	26	Uni

ORDEN	DESCRIPCIÓN	SUMA	UNIDAD
MESOGASTROPODA	Conchas	2	Uni
CARNIVORA	Pieles	3	Uni
SAURIA	Pieles	1	Uni
SERPENTES	Pieles	2	Uni
PROBOSCIDEA	Colmillos	20	Uni
SCLERACTINIA	Coral	10	Kg
ARTIODACTYLA	Talla	2	Uni
PROBOSCIDEA	Talla	181	Uni
SCLERACTINIA	Talla	842	Uni
CROCODYLIA	Manufactura grande	4	Uni
SERPENTES	Manufactura grande	6	Uni
SERPENTES	Manufactura pequeña	136	Uni
ARTIODACTYLA	Pata	2	Uni
CETACEA	Cráneo	1	Uni
CROCODYLIA	Cráneo	1	Uni
PRIMATES	Cráneo	1	Uni
CETACEA	Dientes	4	Uni

Flora:

ORDEN	DESCRIPCIÓN	SUMA	UNIDAD
FABALES	Talla	23	Uni
FABALES	Madera aserrada	409	Kg
SAPINDALES	Madera aserrada	30	m3

El **ANEXO 4** de este documento muestra los especímenes denunciados, clasificados por especies.

B.2.1.- Examen de las denuncias por productos

B.2.1.1.- Denuncias de especímenes vivos

B.2.1.1.1.- Especímenes de especies incluidas en el Apéndice I del CITES:

Las denuncias afectaron a las siguientes especies:

ORDEN	ANEJO	ESPECIE	SUMA	UNIDAD
PRIMATES	IA	HYLOBATES CONCOLOR	2	Uni

ORDEN	ANEJO	ESPECIE	SUMA	UNIDAD
PRIMATES	IA	PAN TROGLODYTES	6	Uni
RODENTIA	IA	CYNOMYS MEXICANUS	2	Uni
CARNIVORA	IA	PANTHERA TIGRIS	28	Uni
PROBOSCIDEA	IA	ELEPHAS MAXIMUS	7	Uni
PROBOSCIDEA	I/II AB	LOXODONTA AFRICANA	1	Uni
FALCONIFORMES	IA	FALCO PEREGRINUS	20	Uni
FALCONIFORMES	IA	FALCO RUSTICOLUS	3	Uni
GALLIFORMES	IA	LOPHURA IMPERIALIS	2	Uni
PSITTACIFORMES	IA	ANODORHYNCHUS HYACINTHINUS	3	Uni
PSITTACIFORMES	IA	ARA MACAO	7	Uni
PSITTACIFORMES	IA	CACATUA GOFFINI	1	Uni
PSITTACIFORMES	IA	CACATUA MOLUCCENSIS	3	Uni
PASSERIFORMES	IA	CARDUELIS CUCULLATA	1	Uni
TESTUDINES	IA	GEOCHELONE RADIATA	1	Uni

Los animales denunciados lo fueron por ser utilizados sin Certificados CITES, aunque en algunos casos se pudo demostrar que si bien en la actualidad carecían de documento CITES lo habían poseído con anterioridad.

B.2.1.1.2.- Especímenes vivos incluidos en el Anexo A del Reglamento 338/97

Se denunciaron los siguientes especímenes de especies incluidas en los Apéndices II o III del Convenio CITES pero inscritos en el Anexo A:

ORDEN	ANEJO	ESPECIE	SUMA	UNIDAD
CETACEA	IIA	TURSIOPS TRUNCATUS	16	Uni
CARNIVORA	IIA	LYNX LYNX	4	Uni
FALCONIFORMES	IIA	ACCIPITER GENTILIS	7	Uni
FALCONIFORMES	IIA	ACCIPITER NISUS	1	Uni
FALCONIFORMES	IIA	BUTEO BUTEO	3	Uni
FALCONIFORMES	IIA	HIERAAETUS PENNATUS	1	Uni
FALCONIFORMES	IIA	FALCO BIARMICUS	3	Uni
FALCONIFORMES	IIA	FALCO CHERRUG	13	Uni
FALCONIFORMES	IIA	FALCO TINNUNCULUS	1	Uni
STRIGIFORMES	IIA	TYTO ALBA	13	Uni
STRIGIFORMES	IIA	ASIO OTUS	2	Uni
STRIGIFORMES	IIA	ATHENE NOCTUA	4	Uni
STRIGIFORMES	IIA	BUBO BUBO	16	Uni
STRIGIFORMES	IIA	NYCTEA SCANDIACA	4	Uni
STRIGIFORMES	IIA	STRIX ALUCO	1	Uni

ORDEN	ANEJO	ESPECIE	SUMA	UNIDAD
TESTUDINES	IIA	TESTUDO GRAECA	118	Uni
TESTUDINES	IIA	TESTUDO HERMANNI	7	Uni
TESTUDINES	IIA	TESTUDO MARGINATA	4	Uni
SAURIA	IIA	CHAMAELEO CHAMAELEON	16	Uni

Los delfines fueron denunciados por estar siendo usados en proyectos distintos a aquellos para los que en su día se concedió el permiso de importación; el resto de los animales, en su mayoría, estaban siendo utilizados sin Certificados CITES, habiendo un pequeño número de animales silvestres heridos que fueron recuperados.

B.2.1.1.3.- Especímenes de especies incluidas en el Anexo B

La diversidad de especímenes denunciados se puede resumir en los siguientes grupos:

ORDEN	SUMA	UNIDAD
ARTIODACTYLA	3	Uni
CARNIVORA	11	Uni
CROCODYLIA	4	Uni
FALCONIFORMES	11	Uni
GALLIFORMES	2	Uni
PASSERIFORMES	76	Uni
PICIFORMES	1	Uni
PRIMATES	41	Uni
PSITTACIFORMES	182	Uni
RHEIFORMES	1	Uni
SAURIA	79	Uni
SCORPIONES	25	Uni
SERPENTES	30	Uni
STRIGIFORMES	2	Uni
STRIGIFORMES	14	Uni
TESTUDINES	197	Uni

Destacan las denuncias por ventas de tortugas (117 *Geochelone carbonaria* y tortugas de otras especies) y de aves *Psittaciformes* (111 *Agapornis roseicollis* y aves de otras especies). Si bien las aves *Psittaciformes* correspondían en su mayoría a especies corrientes en el comercio, estas fueron denunciadas por entender que la documentación aportada era insuficiente para demostrar su legal

importación o adquisición, de conformidad con el artículo 8, apartado 5 del Reglamento 338/97.

En segundo lugar destacan las denuncias a *Passeriformes* y *Sauria*, entre ellos *Padda oryzivora* y *Iguana iguana* en su mayoría, que si bien son corrientes en el comercio fueron denunciadas por considerar que no se satisfacía adecuadamente lo dispuesto en el apartado 5 del artículo 8 del Reglamento.

En tercer lugar le siguen las intervenciones de *Primates*, la mayoría de los cuales fueron *Callithrix jacchus*, siguiéndoles en menor proporción *Macaca sylvanus* y distintas especies de *Papio sp.*

B.2.1.2.- Denuncias de partes y derivados

B.2.1.2.1.- Especímenes de especies incluidas en el Apéndice I del CITES

Las denuncias formuladas en relación con partes y derivados de especímenes de especies incluidas en el Apéndice I del CITES fueron:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IA	CHELONIA MYDAS	Disecado	1	Uni
IA	ERETMOCHELYS IMBRICATA	Disecado	1	Uni
IA	CROCODYLUS RHOMBIFER	Disecado	1	Uni
IA	CARETTA CARETTA	Caparazón	4	Uni
IA	CHELONIA MYDAS	Caparazón	2	Uni
IA	ERETMOCHELYS IMBRICATA	Caparazón	2	Uni
IA	PANTHERA PARDUS	Pieles	1	Uni
I/II AB	LOXODONTA AFRICANA	Colmillos	20	Uni
I/II AB	LOXODONTA AFRICANA	Talla	181	Uni
IA	DALBERGIA NIGRA	Talla	23	Uni
IA	DALBERGIA NIGRA	Madera aserrada	409	Kg

La mayor parte de estos objetos son partes y derivados antiguos de marfil de elefante o de tortugas marinas carentes de documentos CITES o de documentación acreditativa de su antigüedad (tallas de marfil). Destaca la intervención de madera de *Dalbergia nigra*, consecuencia de una denuncia en la que se hacía ver que esta madera estaba siendo comercializada con otros nombres sin documentos CITES.

B.2.1.2.2.- Especímenes de especies incluidas en el Anexo A del Reglamento 338/97:

Se denunciaron los siguientes especímenes:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IIA	ACCIPITER NISUS	Disecado	2	Uni
IIA	TESTUDO GRAECA	Caparazón	18	Uni
IIA	TURSIOPS TRUNCATUS	Cráneo	1	Uni

B.2.1.2.3.- Especímenes de especies incluidas en el Anexo B del Reglamento 338/97.

Se produjeron denuncias en relación con los siguientes objetos, por no poder acreditar la legal adquisición de los mismos conforme a lo establecido en el artículo 8 apartado 5 del Reglamento 338/97:

APÉNDICE ANEXO	ESPECIE	DESCRIPCIÓN	SUMA	UNIDAD
IIB	UROMASTYX ACANTHINURA	Disecado	18	Uni
IIB	STROMBUS GIGAS	Conchas	2	Uni
IIB	PLATYGYRA SP	Coral	9	Kg
IIB	MEANDRINA SP	Coral	1	Kg
IIB	HIPPOPOTAMUS AMPHIBIUS	Talla	2	Uni
IIB	SCLERACTINIA SP	Talla	842	Uni
IIB	HIPPOPOTAMUS AMPHIBIUS	Pata	2	Uni

VIII. PERMISOS Y CERTIFICADOS

VIII. 21.- Descripción de los procedimientos para expedir permisos y certificados.

El procedimiento para la emisión de permisos y certificados de comercio exterior es el siguiente:

IMPORTACIÓN:

Especímenes de especies incluidas en los Anexos A y B del Reglamento CE 338/97:

El solicitante debe de presentar en uno de los doce Centros de Asistencia Técnica e Inspección de Comercio Exterior habilitados para ello, una solicitud de permiso de importación CITES para especímenes de especies de los Anexos A y B junto con la copia del permiso de exportación con que viajará la mercancía.

El Centro remite la solicitud junto con los documentos aportados a la Subdirección General que será quien proceda a autorizar o no la operación. En el caso de especímenes silvestres, se realizarán las consultas pertinentes con la Autoridad Científica.

Si procede autorizar la importación solicitada, el Centro emite el correspondiente permiso de importación que es entregado al importador.

Si la importación se realiza directamente en España, una vez que la mercancía ha llegado físicamente a uno de los 12 puntos de entrada de productos CITES autorizados, y previo al despacho aduanero, se debe de presentar en el Centro de Inspección correspondiente la solicitud de inspección mediante el "documento de inspección de especies protegidas". Este documento certifica que la mercancía que se pretende importar es conforme con la mercancía autorizada en el permiso de importación.

En el caso de importación de especímenes de especies del Apéndice II y del Anexo B del Reglamento 338/97 existe la excepción de emisión de permiso de importación para el caso de introducción de efectos personales.

Especímenes de especies incluidas en los anexos C y D del Reglamento CE 338/97:

El importador debe presentar, en el punto de entrada autorizado de la Unión Europea, una notificación de importación. Para especímenes de especies del anexo C, se debe aportar además el documento acreditativo de origen de la mercancía (permiso de exportación del país exportador o certificado de origen según los casos).

Si la importación se realiza directamente en España, al igual que para los especímenes de las especies de los anexos A y B y previo al despacho aduanero, se debe de presentar en el Centro de Inspección correspondiente la solicitud de inspección mediante el "documento de inspección de especies protegidas". Este documento certifica que la mercancía que se pretende importar es conforme con la mercancía declarada en la notificación de importación.

EXPORTACIÓN:

El solicitante debe presentar en uno de los 12 Centros habilitados para ello, una solicitud de permiso de exportación CITES para especímenes de especies de los Anexos A, B y C. Según los casos se deberá adjuntar:

- Si se trata de animales criados en cautividad o de plantas reproducidas artificialmente, documentos que permitan comprobar que la cría ha sido controlada,
- Si se trata de especímenes silvestres, copia que demuestre que el espécimen se ha obtenido legalmente.

En Centro envía a la Subdirección General la solicitud junto con los documentos aportados. En el caso de especímenes silvestres, se realizan las consultas pertinentes a la Autoridad Científica.

Si procede autorizar la exportación solicitada, el Centro emite el correspondiente permiso de exportación que es entregado al exportador. Este documento certifica que la exportación de la mercancía ha sido autorizada y el exportador procede a realizar la operación de exportación por cualquier punto de salida autorizado de la Unión Europea.

Si la exportación se realiza directamente desde España, previo al despacho aduanero se debe de presentar en el Centro de Inspección correspondiente la solicitud de inspección mediante el documento "inspección de especies protegidas". Este documento certifica que la mercancía que se pretende exportar es conforme con la autorizada en el permiso de exportación.

REEXPORTACIÓN:

El solicitante debe presentar en uno de los 12 Centros habilitados para ello, una solicitud de certificado de reexportación CITES para especímenes de especies de los Anexos A, B y C. Según los casos se debe adjuntar:

- Copia para el titular del permiso de importación (si el solicitante fue el importador),
- Factura de compra de los especímenes si el solicitante no es el importador,
- Otros documentos acreditativos del origen de la mercancía.

Según los casos, la solicitud se autoriza directamente por el Centro de Inspección o se remite a la Subdirección General para su tramitación.

Si procede autorizar la reexportación solicitada, el Centro de Inspección emite el correspondiente certificado de reexportación que es entregado al exportador. Este documento certifica que la reexportación de la mercancía ha sido autorizada y el operador procede a realizar la operación de reexportación por cualquier punto de salida autorizado de la Unión Europea.

Si la reexportación se realiza directamente desde España, previo al despacho aduanero se debe presentar en el CATICE la correspondiente solicitud de inspección mediante el "documento de inspección de especies protegidas". Este documento certifica que la mercancía que se pretende exportar es conforme con la mercancía autorizada en el certificado de reexportación.

PROCEDIMIENTOS ESPECIALES EN EXPORTACIÓN Y REEXPORTACIÓN:

Para determinadas situaciones especiales como son la venta directa en comercios de productos manufacturados a clientes que viajarán a un país tercero, así como en el caso de determinados establecimientos ubicados en aeropuertos internacionales, se ha establecido un mecanismo de emisión previa de permisos de exportación o certificados de reexportación. En estos casos, periódicamente se entrega a los operadores un número de documentos cumplimentados en casi todas las casillas salvo en aquellas que no es posible cumplimentar hasta el momento de la exportación o reexportación.

La obtención de los permisos de importación, exportación y certificados de reexportación es gratuita.

El tiempo medio invertido en la emisión de permisos y certificados se estima en una semana, si bien algunas solicitudes se demoran más debido a la necesidad de consultar a la Autoridad Científica.

Para expedir los permisos, desde 2002 se emplea un sistema informático que permite grabar la solicitud, los datos del permiso que se autoriza o deniega, el resultado de la inspección en caso de importación o reexportación, y los datos del despacho aduanero, tal como el documento de importación o exportación, la fecha, el número de especímenes que realmente se importan y el número de animales muertos, el número de especímenes que finalmente se exportan, etc. De este modo, los datos de los permisos quedan fielmente grabados en una base de datos con la que luego se elabora el Informe Anual.

El porcentaje de solicitudes de importación que se deniegan representa un 3% sobre el total de solicitudes presentadas; apenas hay denegaciones en las solicitudes de permiso de exportación o certificado de reexportación.

El porcentaje de permisos de importación que no se llegan a usar representa el 11,08 % sobre el total de solicitudes de permiso de importación. En la exportación y reexportación, el número de permisos que se emiten y que luego no son utilizados representa un 5% sobre el total de solicitudes presentadas.

IX. - COMUNICACIÓN

IX.-23 Descripción de las actividades y programas llevados a cabo por las Autoridades responsables para informar al público

El Órgano de Gestión Principal edita un cuaderno que recopila los Reglamentos comunitarios con los anexos actualizados, así como las demás disposiciones reglamentarias que afectan al comercio de especímenes, con el fin de difundir y facilitar el cumplimiento de las nuevas disposiciones. Este cuaderno se distribuye ampliamente entre los importadores y exportadores de especies de fauna y flora y

autoridades administrativas y policiales. Asimismo, se informa puntualmente tanto a las Asociaciones profesionales como a las organizaciones interesadas de todas aquellas disposiciones que se publican y que pueden afectar a su actividad habitual.

Dentro de la página web de la Secretaría de Estado de Comercio y Turismo se facilita información sobre legislación, tramitación de permisos y certificados y aplicación del Convenio CITES. Asimismo se facilitan enlaces con otras páginas web relacionadas con la aplicación del Convenio.

Igualmente se facilita información a los medios de comunicación interesados y se ha colaborado en la publicación de diversos artículos relacionados con la aplicación del Convenio CITES.

IX.24.- Descripción breve de información incluida en los informes anuales comunicados a la Comisión

Los informes anuales, ambos entregados después del 15 de junio, contenían información sobre los permisos de importación usados y los permisos de exportación y reexportación usados, de especímenes de especies incluidas en el Convenio CITES por un lado, y por otro los de especímenes de especies incluidas en los Anexos del Reglamento 338/97, pero no incluidos en CITES, así como información de las denegaciones de importación, con resultado de intervención y en muchos casos decomiso, de las mercancías no aptas para ser introducidas, en la mayoría de los casos, por carecer del documento CITES de origen.

Los informes anuales se hacen en unas bases de datos, las del año 2001 en base de datos de Microsoft Access 97, y las del año 2002, a partir de una aplicación informática en SQL que luego es convertida a formato de Microsoft Access 2002. Además de la información solicitada por la Notificación de la Secretaría CITES a las Partes sobre Informes Anuales, se ha incluido información relativa al mercado de los especímenes, de los colmillos de *Loxodonta africana* en el año 2001, y de todos los especímenes en el año 2002.

X. ASISTENCIA Y PARTICIPACIÓN EN LAS REUNIONES DE LA UE

X.25.- Descripción de la contribución de la Autoridad Científica a las operaciones del Comité.

La Autoridad Científica normalmente no acude a las reuniones del Comité. Participa ocasionalmente si los temas a tratar lo requieren (por ejemplo, de cara a la Conferencia de las Partes) y siempre que la Autoridad Administrativa la consulta sobre los temas de la agenda.

Así mismo, ha participado junto a la Autoridad Administrativa en las reuniones del Grupo de asuntos internacionales sobre medio ambiente del Consejo, preparatorias del mandato de negociación de la Comunidad en la Conferencia de las Partes.

X.26.- Descripción de la contribución de la Autoridad Científica a las operaciones del Grupo de Revisión Científica

La Autoridad Científica ha acudido a todas las reuniones del Grupo de Revisión Científica celebradas en el periodo de referencia, con dos o tres asistentes por reunión (se procura que siempre participe al menos un experto sobre flora y otro sobre fauna, de acuerdo con la agenda de cada reunión). Tras cada reunión del SRG, los asistentes preparan un acta completa en español.

Con frecuencia se intercambia información con otros miembros del SRG por vía de correo electrónico o teléfono. En las reuniones de los comités CITES o la Conferencia de las Partes se coordinan las actuaciones con los demás miembros del SRG.

Por supuesto, se comunican a través de la Autoridad Administrativa todas las opiniones negativas y otros casos cuya consulta obligada se ha acordado previamente por el grupo.

X.27.- Descripción de la contribución de la Autoridad Científica a las operaciones del Grupo de Aplicación.

La Autoridad Científica no forma parte del Grupo de Aplicación, pero la Autoridad Administrativa la informa y la consulta si hay necesidad.

SWEDEN

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Convention on International Trade in Endangered Species of Wild Fauna and Flora

Biennial report 2001-2002

Sweden



Swedish Board
of Agriculture

SWEDEN

EU Biennial Report 2001-2

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LEGISLATIVE MEASURES

Description of national legislation adopted to implement and enforce the Regulations: Art. 20 (338/97) and Art. 44 (1808/2001)

* National legislation adopted since 1997
(No new national legislation adopted since 2001)

The Environmental Code (1998:808)*

Title in national language: Miljöbalk (1998:808)

Available on the internet: <http://www.notisum.se/rnp/sls/lag/19980808.htm>

Statutory Order regarding Protection of Species (1998:179)*

Title in national language: Artskyddsförordning (1998:179)

Available on the internet: <http://www.notisum.se/rnp/sls/lag/19980179.htm>

Swedish National Environmental Protection Agency's Directive regarding the Protection of Species; NFS 1999:7*

Title in national language: Naturvårdsverkets föreskrifter om artskydd; NFS 1999:7

Available on the internet:

http://www.naturvardsverket.se/dokument/lagar/foeskri/snfstext/1999_7.htm

Swedish National Environmental Protection Agency's Directive regarding changes in Directive regarding the Protection of Species (NFS 1999:7); NFS 1999:12*

Title in national language: Naturvårdsverkets föreskrifter om ändring i föreskrifter (NFS 1999:7) om artskydd; NFS 1999:12

Available on the internet:

http://www.naturvardsverket.se/dokument/lagar/foeskri/snfstext/1999_12.htm

Directive regarding import of live animals etc. (SFS 1994:1830)

Title in national language: Förordning om införsel av levande djur m.m. (SFS 1994:1830)

Amendments: SFS 1996:223
 SFS 1998:799
 SFS 1998:1301
 SFS 1999:531
 SFS 2000:1275

Available on the internet: <http://www.notisum.se/rnp/sls/lag/19941830.htm>

Swedish Board of Agriculture Directive (SJVFS 1996:24) regarding import of animals, sperm, eggs and embryos

Title in national language: Statens jordbruksverks föreskrifter (SJVFS 1996:24) om införsel av djur, sperma, ägg och embryon

Available on the internet: <http://www.sjv.se/download/SJV/forfattningar/2000/2000-092.pdf>

Directive regarding changes in the Swedish Board of Agriculture Directive (SJVFS 1996:52) regarding import of pets

Title in national language: Föreskrifter om ändring i Statens jordbruksverks föreskrifter (SJVFS 1996:52) om införsel av sällskapsdjur

Available on the internet: <http://www.sjv.se/download/SJV/Forfattningar/2002/2002-045.PDF>

Swedish Board of Agriculture Directive regarding Measures concerning Protected Species of animals and plants (SJVFS 1999:89)*

Title in national language: Handel och andra åtgärder med exemplar av vilt levande djur- och växtarter som behöver skydd (SJVFS 1999:89)

Available on the internet: <http://www.sjv.se/download/SJV/forfattningar/1999/1999-089.PDF>

Directive regarding changes in the Swedish Board of Agriculture Directive (SJVFS 1995:94) regarding protective measures against spreading of plant pests

Title in national language: Föreskrifter om ändring i Statens jordbruksverks föreskrifter (SJVFS 1995:94) om skyddsåtgärder mot spridning av växtskadegörare

Available on the internet: <http://www.sjv.se/download/SJV/Forfattningar/2002/2002-055a.PDF>

Smuggling of Goods Penalty Act (2000:1225)*

Title in national language: Lag (2000:1225) om straff för smuggling

Available on the internet: <http://www.notisum.se/rnp/sls/lag/20001225.htm>

Act regarding Transport, Storage and destruction of Import Regulated Goods (1973:980)

Title in national language: Lag (1973:980) om transport, förvaring och förstöring av införsel reglerade varor, m.m.

Available on the internet: <http://www.notisum.se/rnp/sls/lag/19730980.htm>

Summary of the Statutory Order regarding Protection of Species (1998:179)

Prohibited activities

The Regulation on preservation of species prohibits a number of commercial activities with live and dead animals as well as products from these. There are some exemptions from this general prohibition.

Import, export and reexport

The Regulation on preservation of species widens the scope of Regulations: Art. 20 (338/97) and Art. 44 (1808/2001) prohibition by including a prohibition of import, export and reexport of live specimens of an additional number of species listed in that regulation.

Skin from pups of harp seals (*Pagophilus groenlandicus*) and hooded seals (*Cystophora cristata*) may only be imported on certain conditions. It must be verified that the pups were taken by Inuits during traditional hunting and the Swedish Board of Agriculture must beforehand have admitted the import.

The import, export and re-export must take place at specifically designated customs offices.

Keeping and transportation of animals

It is prohibited to keep or transport live specimens of any of the species in the Annex to the Regulation on preservation of species, as well as live birds (eggs with embryos included) living in the wild within the European territory of the EU.

General exemptions from this prohibition comprises:

- Specimens come by in accordance with the Swedish Act (SFS 1987:259) on Hunting,
- specimens, birds excepted, where the specimen and its parents are bred in captivity,
- specimens legally come by before 1 January 1999,
- specimens transported in accordance with Council Regulation (EC) No 338/98,
- specimens kept temporarily due to care or treatment of illnesses or damages, and
- specimens of certain species of pheasants, partridge or mallards.

Activities related to buying and selling

It is prohibited to keep or offer for sale, to sell, buy or trade

Live or dead specimens (parts included) of any of the species, seeds and spores from species listed in the Annex to the Regulation on preservation of species, dead or live birds (eggs with embryos included) living in the wild within the European territory of the EU.

It is also prohibited to in any way state that what you sell is or is derived from one of the these species, even if that is not the case. Regarding selling or other transfer of ownership of dog, it is not allowed to use the term hybrid of wolf or in any other way claim that the dog has a close relationship with wolves or has an appearance or behaviour similar to that of wolves.

General exemptions from this prohibition can be made for:

- Specimens of animals and eggs come by in accordance with the Swedish Act (SFS 1987:259) on hunting on condition that nothing else is stated in §33 in the Swedish Regulation (SJVFS 1987:905) on Hunting,
- specimens of dead animals, eggs and parts from these if they have been legally come by in the wild before 1 January 1999,
- specimens of dead and live plants gathered from the wild before 1 January 1999,
- specimens of live plants and animals (birds excepted) where the specimen and its parents are bred in captivity,
- dead specimens being a natural part of the preparatory activity of a taxidermist on condition

- that he/she has a special permit for this (see below), specimens for which a certificate has been issued in accordance with the Council Regulation (EC) No 338/97, and
- specimens of certain species of pheasants, partridge and mallards.

Summary of the veterinary legislation (SJVFS 1996:24, SJVFS 1996:52, SJVFS 1999:89 and SJVFS 1995:94) for import of pets (non-domestic) to Sweden:

Fish

Basic conditions

Imported fish may only be kept in aquariums. They must under no circumstances be released or used as bait. The importer must fill in a declaration form and report the import to the customs authorities/the border inspection post. There is an import prohibition applying to the following species:

- Species threatened by extinction.
- Exotic species cultivated to be released in Swedish watercourses.
- Species with their natural habitat in Swedish watercourses.
- Carp, including domesticated varieties.
- Species that can propagate in the wild in Sweden.

Declaration

The importer shall declare that the import conditions have been met. When importing from a country within the EU, the declaration is to be sent, within five days from the date of import, to the Swedish Board of Agriculture. When importing from a country outside the EU, the declaration shall be handed to the customs authorities at the border inspection post.

Reporting to the customs authorities/the border inspection post

EU and Norway - Import may only take place via a customs station. The import shall be notified to the customs authorities at this station.

Other countries - Import may only take place via an approved border inspection post. The import shall be notified, at least one working day in advance, to the customs authorities and the border inspection veterinarian.

Birds

A maximum of three finches, budgerigars, cockatiels or rose-ringed parakeets may be freely imported into Sweden from EU/EFTA countries. However, they must be born and bred in captivity and they must also have been in the persons possession the last six months or since hatching. An import licence is required when importing more than three birds or other species of parrots than the above-mentioned as well as when importing from countries outside the EU/EFTA.

Reporting to the border inspection post

Import from a country outside the EU (Norway excepted) must take place via an approved border inspection post. A notification shall be made, at least one working-day prior to import, to the border inspection veterinarian.

Reptiles

Import of reptiles and batrachians is only allowed if the animals are born and bred in captivity. A maximum of three reptiles (snakes, lizards, turtles/tortoises or batrachians) may be freely imported into Sweden from another EU/EFTA country. When importing larger numbers of animals or from countries outside the EU/EFTA the importer must be registered at the Swedish Board of Agriculture and the import must be notified both prior to and at the time of import. When importing from countries outside the EU/EFTA, the exporter must also verify, in writing, that the animals are born and bred in captivity and that they come from an establishment where the animals are (clinically) healthy.

Small rodents

A maximum of ten small rodents may be freely imported into Sweden, from countries within as well as outside the EU/EFTA. Import from a country outside the EU (with the exception of Norway) must

take place via an approved border inspection post. The import shall be notified, at least one working day in advance, to the border inspection veterinarian.

MANAGEMENT AUTHORITY (MA)

Designation of Management authority

Swedish Board of Agriculture (Statens jordbruksverk)
No change since the previous report.

Procedures adopted to establish the ancestry of bred captive animals: Art. 25 (1808/2001)

No such procedures or facilities are utilised (analysis of blood or tissue samples).

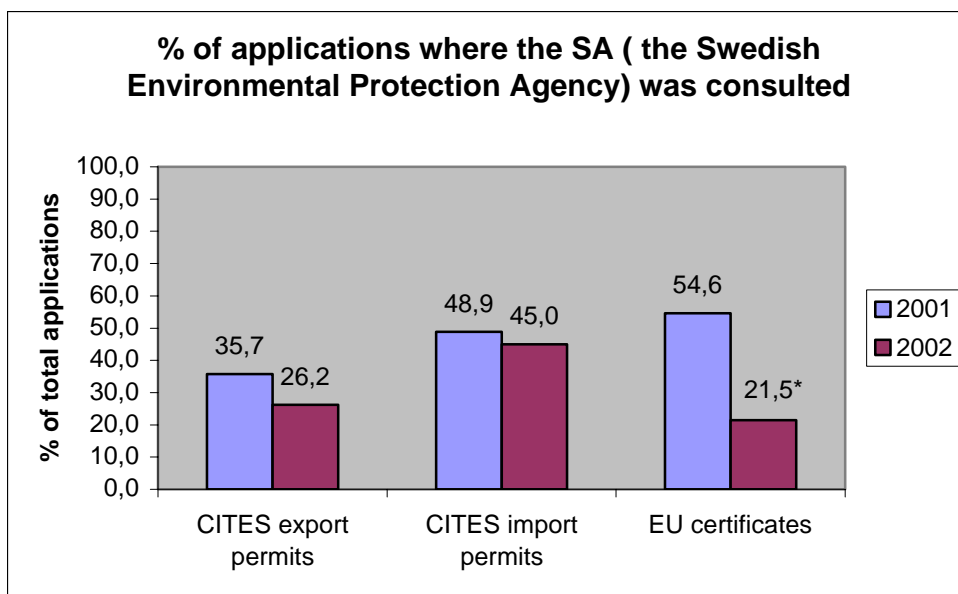
Procedures adopted for marking specimens in compliance with Article 36 (1808/2001), e.g. methods approved for different species, including birds and other vertebrates

Full compliance with article 36 for all birds and all other vertebrates. Birds should have their leg rings attached within the first 24 hours after birth. ISO-standardized microchips are also accepted for birds when marking with leg rings is considered inappropriate for physical reasons or when adult birds are marked. All other vertebrates are primarily marked with ISO-standardized microchips, but when considered appropriate, the options stated in Article 36 are sometimes be used. Turtles and tortoises are not implanted with microchips when considered to small by a veterinarian. Until then, a veterinarian only assigns them a microchip and their EU-certificate states that the microchip must be implanted when the animal reaches 100 grams. A certificate from the veterinarian (or other approved person executing the implantation) must be sent to the MA after the actual marking.

The Swedish MA also recommends marking of dead specimens.

Rate of consultation with Scientific Authority for advise of issuance of permits and certificates (e.g. % of permit and certificates applications)

National legislation (Statutory Order regarding Protection of Species (1998:179)) states the MA must consult the SA before issuing permits and certificates according to art. 8.3. General exemptions from this rule are made after consultation with the SA.



*Lower rate of consultation due to change in MA routines (SA is only consulted on the first occasion for specimens that has received a CITES import permit prior to the application for a EU-certificate).

Number of captive breeding and artificial propagation facilities visited/check by MA and competent SA in reporting period compared to total number of commercial facilities officially recorded

There are no such facilities in Sweden.

Staff hours spent on CITES matters/month

CITES applications are processed by two different departments in the MA depending on whether they concern plants or animals.

Plants

2001: 21 h/month

2002: 40 h/month

Animals

2001: 353 h/month

2002: 417 h/month

This includes all activities (processing applications, information and advise, reports, meetings etc.) for the CITES-staff.

Ratio of staff capacity (hours / month) to number of permit applications/month

CITES applications are processed by two different departments in the MA depending on whether they concern plants or animals.

Plants

2001: 10 h/month on processing applications

2002: 20 h/month on processing applications

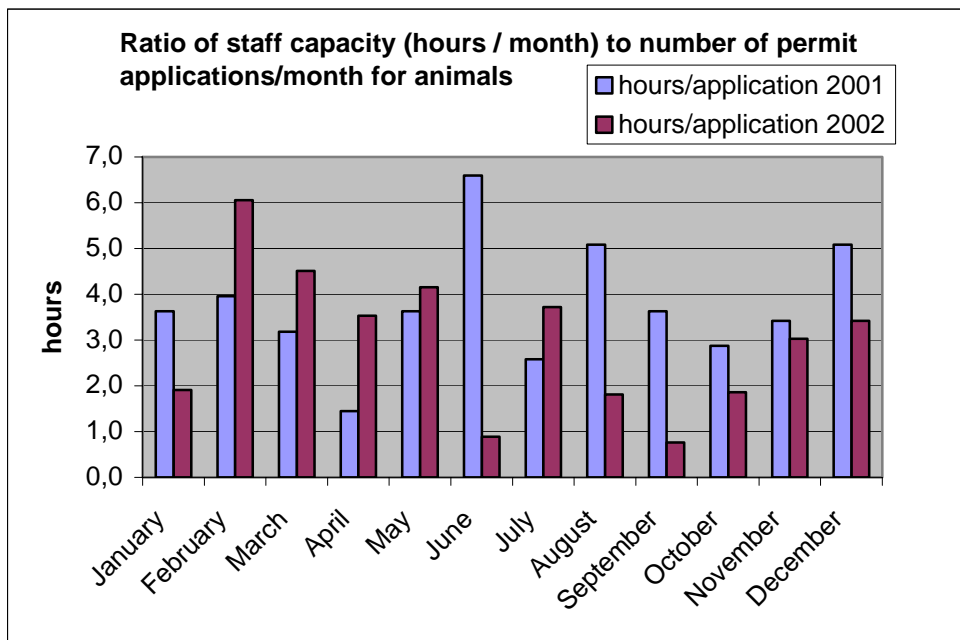
2001: 2,1 applications/month = 5 hours/application
 2002: 3, 25 applications/month = 6,1 hours/application

No detailed information on ratio of staff capacity (hours / month) to number of permit applications/month for specific months.

Animals

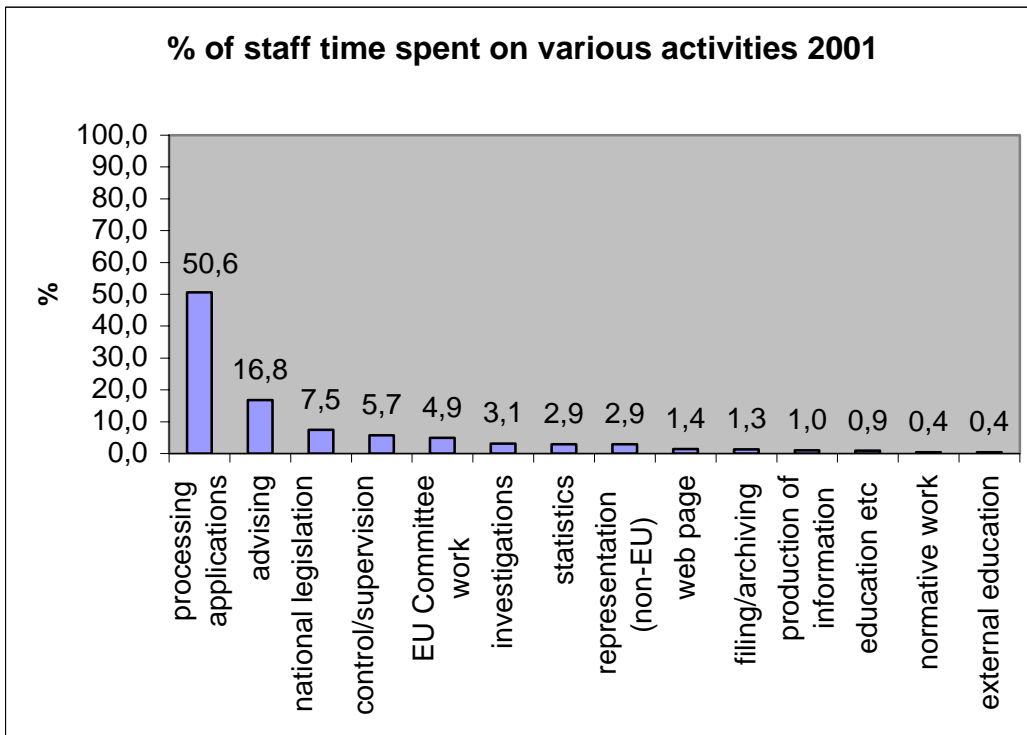
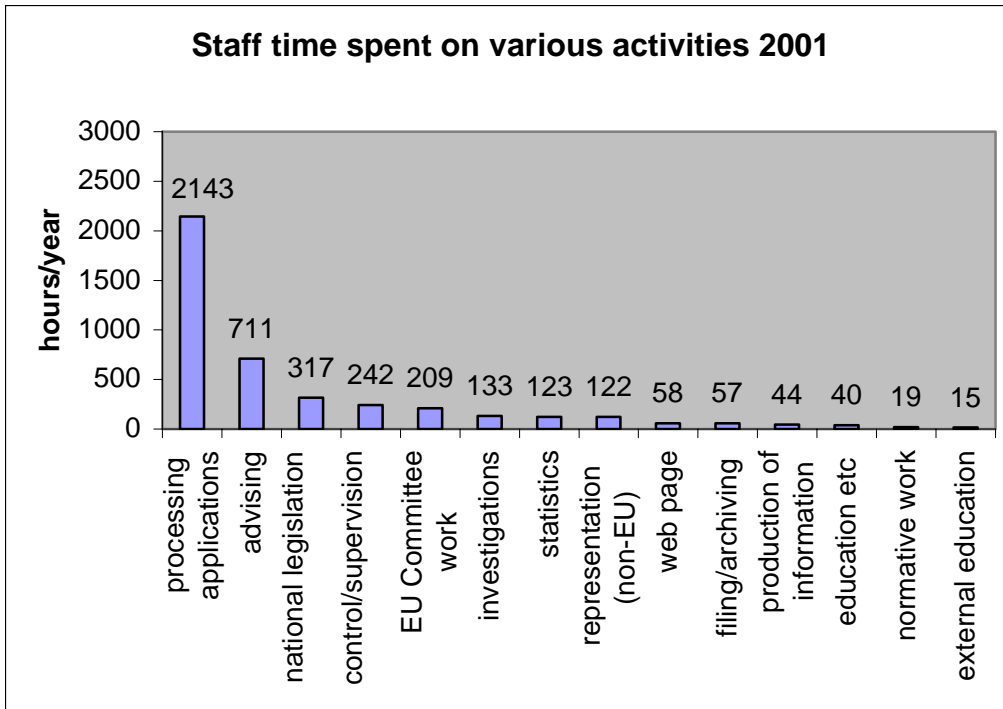
2001: 178 h/month on processing applications
 2002: 212 h/month on processing applications

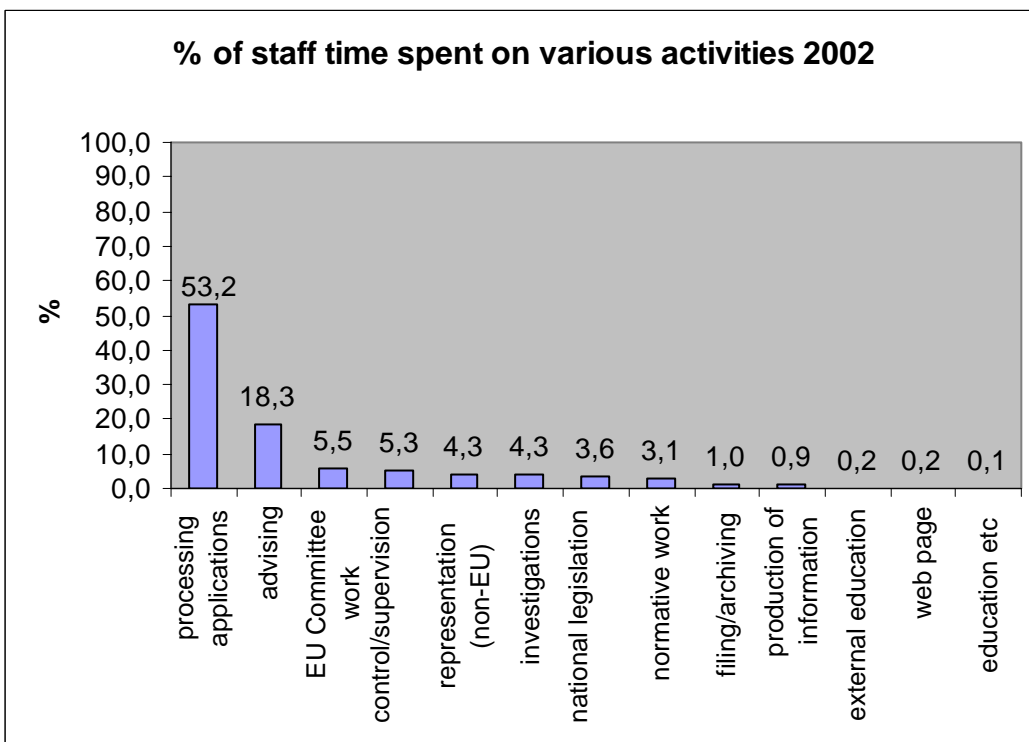
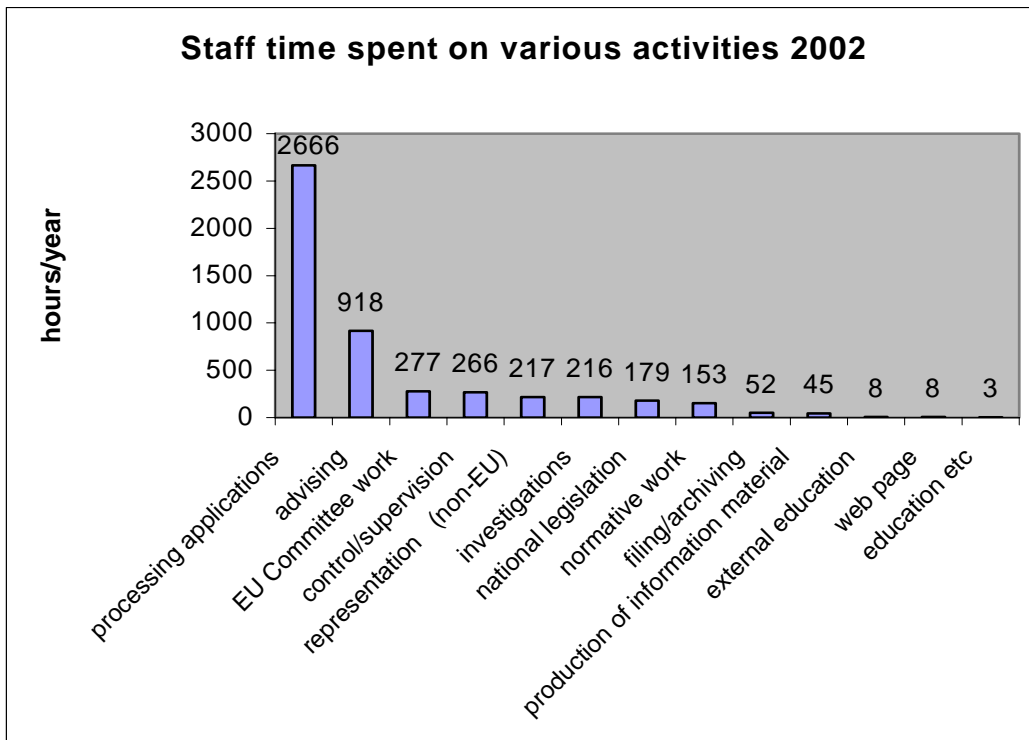
For detailed information on ratio of staff capacity (hours / month) to number of permit applications/month for animals, see the diagram below. Please note that the statistics below doesn't include EU certificates issued for the seasonal hunt for *Ursus arctos*. They constitute a disproportionately large number of the EU certificates (350 in 2001 and 201 in 2002) issued simultaneously in just one month every year during the summer.



Staff time spent on various activities in hours/year and ratio of staff time spent on various activities in %.

The diagrams below only reflect the work of the CITES-animal group in the MA. However, staff time in the plant group is only a fraction of the staff time in the animal group. The % of staff time spent on various activities in the diagrams therefore adequately reflects the actual situation.





SCIENTIFIC AUTHORITIES (SA)

Designation of SA(s): information on SA(s), contact details and legal status: Art. 13.2 (338/97)

SA: The Swedish Environmental Protection Agency (fully recognized legal body)

Naturvårdsverket
SE 106 48 Stockholm
Sweden

Assisting SA: Swedish Museum of Natural History (assisting body)

Naturhistoriska Riksmuseet
Box 50007
SE 104 05 Stockholm

Independence between MA(s) and SA(s)

The MA and SA work independently and as separate authorities, but discuss and consult each other in CITES and species protection matters.

Contribution to meetings at national, EU and International level

See “Attendance and participation at EU Wildlife Trade Regulation meetings” and “Exchange of information between customs, other enforcement agencies”.

Volunteers or paid experts/employees for CITES issues

The SA consult species experts on, for the moment, a voluntary basis.

Ratio of hours/months versus no. of permit applications

50h/month on 33 permit applications/month (this is an approximation) = 1,5 hours/application

CUSTOMS

Designation of customs offices: information on designated customs offices (imports and (re) exports offices) with identification of offices specially intended for shipment of live specimens: Art. 12.1 (338/97) and Art. 12.4 (338/97)

Designated customs offices

Airports	Live animals	Animal products	Plants	Officers - clearance	Officers - control	Office total
Göteborg - Landvetter	X	X	X	12	15	27
Malmö - Sturup			X		8***	8
Norrköping	only hooved animals			15		15
Stockholm - Arlanda	X	X	X	67	70	137
Harbours						
Helsingborg		X		12	104	116
Göteborg	X	X	X	30	46	76
Karlskrona		X		25	27	52
Malmö			X	15	130	145
Stockholm		X	X	36	60	96
Varberg		X		3		3
Ystad		X		47*		47
Postal						
Malmö		X		7		7
Road						
Björnfjell/Riksgränsen	X	X		6**	8**	14
Hån	X	X		22	6	28
Storlien	X	X		8	3	11
Svinesund	X	X		36	11	47
Total				288	472	829

* also control
** norwegian
*** also clearance

None of the officers work exclusively with CITES issues. All officers have received basic CITES training. No specialized CITES training or competence exists. Every region has a “CITES contact officer”.

**Procedures for completing the CITES documents accompanying shipments/specimens:
Art. 12, 14 and 17 (1808/2001)**

Import licence:	The customs office complete box 27 on the original document.
Import notification:	The customs office complete box 14 on the original document.
Export licence:	The customs office complete box 27 on the original document.

Procedures for forwarding documents to the MA: Art. 19.1 (1808/2001)

The original import licence and import notification is forwarded by mail to the MA and copies (page 2) are returned to the importer.

Regarding the export licence, copy 1 and 2 are returned to the exporter and copy 3 is forwarded by mail to the issuing authority.

Procedures regarding seizure and disposal of live or dead specimens in case of infringements

Goods reported for clearance are taken in charge for examination according to the customs law. If the CITES legislation has been violated, a crime report is drawn up and the case is handed over to the Customs Crime Unit.

Illegal goods discovered in the flow of passengers or elsewhere are confiscated and a crime report is drawn up.

Live animals are sometimes determined to species level on site. However, they are most frequently moved to an externally consulted species specialist. The two available rescue centres are utilised on some of these occasions.

Exchange of information between customs, other enforcement agencies

On a central level, the Customs Authorities participate in the Flora and Fauna Anti Crime Group consisting of the Swedish MA, SA, Customs, National Police Board, Coast Guard, State Prosecutor and WWF/Traffic that has regular meetings two times a year.

Regular contact on a more informal level is kept between the Customs Authority and the MA, SA and National Police Board during the year.

All customs officers has access to information concerning CITES, relevant legislation, species specialists and other contacts, via an intranet. On a regional level, the responsible customs officers participate in co-operation groups to a greater or smaller extent depending on the region and their priorities. Furthermore, the operative customs offices take direct contact with the other relevant authorities in each case when necessary.

The Customs Crime Divisions administer the preliminary investigations in all lesser cases (when maximum penalty is fines up to 7000 SEK, approximately 720 €)
If more serious cases occur, the offices of the public prosecutor can decide to take over the preliminary investigations.

Existence of an electronic database to record infractions at national level

A UNIX database called TMJ (Tullmålsjournal) is used as national record of seizures but only contains information about date, perpetrator, offence, place, kind of specimen and amount. This database will be replaced in the future by a more modern system called TIGER, but the specifications of this system are not yet available.

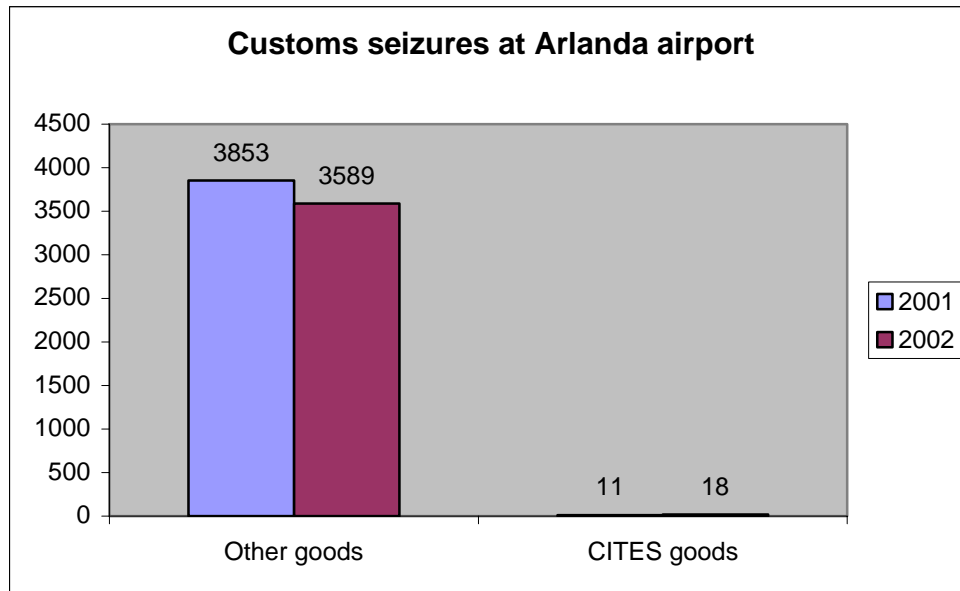
Rate: (No. seizures/reported infractions/year) versus (No. permit applications/year)

2001: $11/269 = 4,0 \%$

2002: $18/422 = 4,2 \%$

For the three main customs offices (e.g. main airports) in term of CITES trade: (No. CITES seizures/year) versus (No. seizures/year)

CITES seizures have almost exclusively been made at Arlanda airport (Stockholm) during 2001 and 2002. (One seizure at Landvetter airport 2001) No other customs offices (airports, harbours, postal etc) has made any seizures of CITES goods during this period of time.



(No. CITES seizures/year) versus (No. seizures/year)

2001: 0,3%
2002: 0,5%

OTHER UNITS OF CONTROL

Information and description of other designated units of control empowered to realise seizures: Art. 13.1 (b) (338/97)

The Police Authorities

The Police Authorities has full authority to make seizures and arrest in CITES related infringements.

National Police Board (Rikspolisstyrelsen)

The National Police Board (NPB) is the central administrative and supervisory authority of the police service. It is also the supervisory authority of the National Laboratory of Forensic Science. The NPB is headed by the National Police Commissioner who is appointed by the government. Among other things, the NPB is responsible for the development of new work methods and technological support. It is also - through the National Police Academy - responsible for the training of police officers. The National Security Service and the National Criminal Investigation Department are units within the NPB.

National Security Service (SÄPO)

The Security Service is responsible for protection of sensitive objects, counter-espionage, anti-terrorist activities and protection of the constitution.

National Criminal Investigation Department (Rikskriminalpolisen)

The National Criminal Investigation Department (NCID) provides investigation and criminal intelligence support in cases involving crimes with nationwide or international ramifications. The NCID is increasingly active in various international police partnerships. The NCID also works at the local level of the police organisation, providing reinforcement for police authorities as required, and is in charge of the Police Helicopter Service, Swedish Police Peace Support Operations and the National Communications Centre.

National Laboratory of Forensic Science (Statens Kriminaltekniska Laboratorium)

The National Laboratory of Forensic Science performs laboratory analyses of samples deriving from various types of suspected crimes.

Twenty-one police authorities (Polismyndigheterna)

The 21 police authorities operate within the same jurisdictions as the 21 counties in Sweden. The police authorities are responsible for police work at the local level. Their responsibilities also include the issuing of passports and various kinds of permits and licences.

For more information on CITES related activities, see the related headings.

Contact information:

National Police Board
Rikspolisstyrelsen
Box 12256
SE 102 26 Stockholm
Sweden

The Swedish Coast Guard (Kustbevakningen)

The Swedish Coast Guard has the authority to make seizures and arrests in CITES related infringements.

Exercises surveillance, supervision and control within a number of areas of the law, mainly maritime border control and fisheries protection, monitoring of the environment and shipping and supervision of safety at sea. The Swedish Coast Guard co-operates closely with other authorities and organisations, both national and international.

Contact information:

Swedish Coast Guard
Headquarters
Box 536
SE 371 23 Karlskrona
Sweden

County Administration (Länsstyrelserna)

The County Administration has no authority to make seizures and arrest in CITES related infringements but co-operate with the Police Authorities when this is necessary.

Sweden is divided into 21 counties, each of which has its own County Administration and County Governor. The County Administrations function as representatives of the state in their respective counties, and as links between the inhabitants, the municipal authorities, the Central Government, the Swedish Parliament and the central state authorities.

The County Administration is the regional supervising authority in CITES matters. The central supervising authority is the Swedish Environmental Protection Agency, which is also the Swedish SA.

Contact information: (the web page below refers to all 21 County Administrations and their addresses)

<http://www.lst.se>

Procedures to seize specimens, and where appropriate arrest owner: Art. 16.1 (338/97)

According to existing national legislation, the Swedish Coast Guard can make seizures and arrests while monitoring the coastal region and two of the major lakes in Sweden. This is applicable when infringements against CITES legislation occur, but the authority to arrest is limited compared to the Police Authorities.

For information regarding seizures by the Police Authorities, see the chapter “Infringements and legal actions”

Rate: (No. established CITES infringements/year) versus (No. established general infringements/year)

Only one seizure during the period 2001-2002 (a skin of *Canis lupus*).

For information regarding seizures by the Police Authorities, see the chapter “Infringements and legal actions”

TRAINING ACTIVITIES

Management Authority: information on seminars attended and/or organised and provided brief description Art. 13.1 (a) and 14.1 (a) (338/97)

One day training seminars organised twice for CITES staff and head of unit regarding utilisation of the UNEP-WCMC species database in 2001 and 2002.

One participant in the CITES training seminar held in Bonn, November 2001.

Scientific Authority: information on seminars attended and/or organised and provided brief description Art. 13.2 and 14.1 (a) (338/97)

One training seminar every year (duration one day) for the regional enforcement authorities (21 agencies) regarding species protection legislation.

One participant in the CITES training seminar held in Bonn, November 2001.

Customs/police: information on seminars attended and/or organised and provided brief description Art. 12.2 (338/97)

No seminars attended or organised by the Customs.

Police Authorities: More information under the heading “Training materials provided/produced”

Number of training sessions per year for different authorities (MAs, SAs and agencies including police, customs and others)

No detailed information available.

Number of enforcement authorities receiving training activities per year

No detailed information available.

Training materials provided/produced

Handbook and instruction video called (in translation) “Handling threatened and dangerous animals” produced by the Kaj Månsson, National Police Board in 2002. This package has been distributed to all police authorities in Sweden. It has primarily been used as a training tool in local training sessions for police officers.

Number of hours on CITES matters/issues included in general custom’s education

4 hours

International participation to training activities

See the first two headings in this chapter.

INFRINGEMENTS AND LEGAL ACTIONS

Accommodation for live specimens at designated customs offices: Art. 12.2 (338/97)

The designated Swedish customs offices do provide any accommodation especially suited for live animals or plants. Their aim is to move any such specimens to a rescue centre immediately. When transportation to a rescue centre can’t be arranged with their own vehicles, a professional transport company is hired for this task.

Procedures regarding commercial activities with confiscated specimens: Art. 8.6 (338/97)

No confiscated specimens are sold. After forfeiture, the SA decides what to do with the forfeited specimen. Live animals are usually deposited at zoological gardens with proper facilities. Dead specimens are either deposited at museums or destructed.

Infringements (including seizures) + legal actions (including confiscation and penalties imposed): Art. 14.1 (b) (338/97)

For **details of seizures** by the Customs Authorities, see **appendix 1 and 2**.

The National Police Board provided incomplete information of infringements or seizures. National legislation requires that all CITES related seizures should be reported to the MA. The Police Authorities doesn't have a centralised registration system and the regional offices approximately report 20% of all seizures to the MA. However, the reports contain the following information:

Seizures by regional Police Authorities during 2001 and 2002 have been made on 20 occasions and has consisted of 423 animals and 0 plants. No species information is available, nor is any other information regarding time of seizure, penalties imposed, etc available.

Of the 423 animals were 402 reptiles, 18 birds and 3 mammals. No information was provided regarding whether the seizures consisted of live or dead specimens.

Number of designated rescue centres for confiscated live animals

2 (In Stockholm and Malmö)

Use of benefits generated through sales of confiscated specimens

No sale of confiscated specimens.

Number of court cases for infringements against The Environmental Code (EC) (1998:808)

No available statistics for CITES infringements exclusively. Also see Appendix 1 and 2 for Custom seizures of CITES goods 2001 and 2002 including convictions (in the "Case" column).

		received		closed		convictions	
		2001	2002	2001	2002	2001	2002
EC chapt. 29, 8 § points 1-5, 8-11, 16, 17, 28	Infringements regarding nature conservation and species protection .	218	152	148	158	58	62
EC chapt. 29, 10 §	Unlawful handling of protected animal or plant species.	5	5	5	4	1	2
total		223	157	153	162	59	64

Rate: (No. imprisonment) versus (No. CITES infringements) per year

No cases of imprisonment for CITES infringements.

Maximum sanctions imposed for CITES infraction during reporting period (fines and imprisonment)

The Member States shall, in accordance with Article 16 (1) in Regulation (EC) No 338/97, charge sanctions for a number of listed infringements. These sanctions are described in chapter 29 in the Environmental Code, in §8 point 11 and in §9 point 11. The sanctions range from fines to a maximum sentence of two years of imprisonment.

Maximum sanction imposed during 2001 and 2002 was fines 3500 SEK (approximately 360 €) for smuggling of a snakeskin belt of skin from *Naja naja kaothia* from Thailand.

PERMITS AND CERTIFICATES

Procedures for issuing permits and certificates: Art. 4.1, 4.2, 4.3 and 5.1, 5.2, 5.3 (338/97)

See Appendix 3 and 4.

The principle described in appendix 3 for issuing CITES permits generally applies for issuing EU certificates as well. Note that national legislation (Statutory Order regarding Protection of Species (1998:179)) states the MA must consult the SA before issuing permits and certificates according to art. 8.3. General exemptions from this rule are made after consultation with the SA.

Procedures for replacing permits and certificates: Art. 7.3 (1808/2001)

Full compliance.

Prices of permits and certificates

CITES import permit animals	400 SEK	~ 43 €
CITES export permit animals	400 SEK	~ 43 €
CITES import permit plants	300 SEK	~ 32 €
CITES export permit plants	300 SEK	~ 32 €
EU certificate animals and plants	100 SEK	~ 11 €

Average time for issuance of permits and certificates

Statistics based on 273 randomly selected applications during the period 2002-01-01 to 2002-12-31.

Average number of days:

Arrival of application until consultation of SA:	5
Consultation of SA until opinion from SA:	22
Opinion from SA until issue of permit/certificate:	12
Total:	39

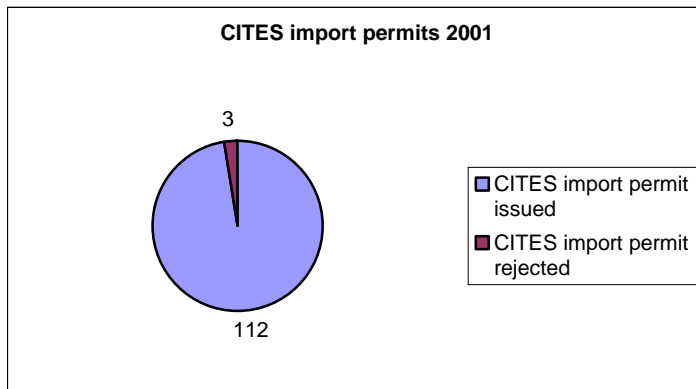
Existence of an electronic system for issuing permits and certificates

Animals: Oracle database
Plants: Filemaker

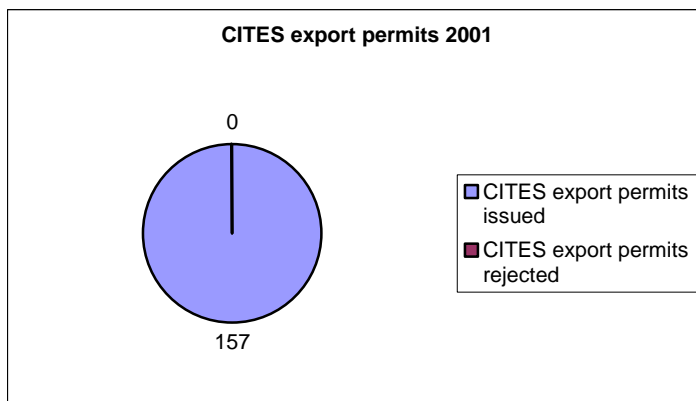
Existence of an electronic database for recording data included in permits and certificates

Animals: Oracle database
Plants: None (statistics for the annual report are compiled in Excel format)

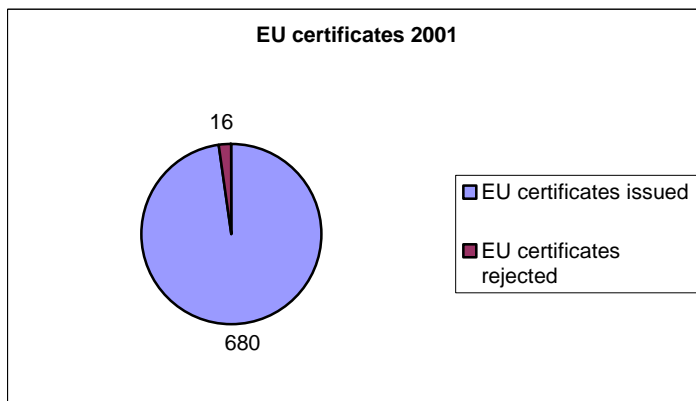
Rate of rejected permits and certificates (i.e. total issued versus rejected applications)



Rate of rejections: 2,7 %



Rate of rejections: 0 %



Rate of rejections: 2,4 %

2002

No rejections.

CITES import permits issued	173
CITES export permits issued	249
EU certificates issued	952
Total issued:	1374

Observe that a large proportion of the EU certificates (350 in 2001 and 201 in 2002) are issued for the seasonal hunting of *Ursus arctos*.

Rate of unused permits and certificates

2001: 6 % unused

2002: 2 % unused

These figures are approximate, due to incomplete data (importers failure to return unused certificates etc).

The figures concerning unused permits and certificates don't include EU certificates issued for the seasonal hunt for *Ursus arctos*. These certificates are issued in advance and are sent to regional authorities for further distribution to the controllers of the hunting quota. The controllers hand out the certificates to the hunter after rigorous controls of the legality of the killing. Only approximately 15 % of these certificates are used.

COMMUNICATION

Description of the public awareness activities and programs undertaken by the responsible authorities: Art.12.5 (338/97) and Art. 15.1 (338/97)

National Police Board: A poster board exhibition (in duplicates) concerning CITES legislation, species protection, and background to the Convention has been shown on several occasions (schools, airports, zoos, fairs etc.) in 2001 and 2002 .

SA: A CITES leaflet with the purpose to inform other authorities, NGOs and the public about the present legislation and authorities to turn to with CITES questions.

Brief description of information included in annual reports communicated to the Commission: Art. 15.4 (338/97) and Art. 39 (1808/2001)

In accordance with the requirements in Article VIII paragraph 7 of the Convention and Article 15.4.a of the Council Regulation (EC) no 338/97 the Swedish MA normally includes the following in the annual CITES reports:

The data for animals and animal products is based on and record the actual trade (information on actual imports/exports from the Customs). The data for plants is based on certificates issued. Information on any specimens dead on arrival is also included. Information on seized and confiscated goods is reported to the fullest possible extent depending on the level of detail in the reports from the Customs and the Police. The annual report consists of semicolon-separated files to make the data more accessible for statistical purposes. A hard copy in a more reader friendly and compiled format is also sent by ordinary mail to the Commission, the CITES Secretariat and to UNEP-WCMC.

Percentage of annual MA budget allocated to public awareness activities

0 %

Report on time (before 15 June each year) for submitting annual reports to the Commission

Yes.

ATTENDANCE AND PARTICIPATION AT EU WILDLIFE TRADE REGULATIONS MEETINGS

Contribution of the MS to the operations of the Committee: Art. 18.1 (338/97)

The MA has participated at all the Committee meetings during the period.

Average number of participants: 1

The SA has participated as an observer at all the Committee meetings except two during the period.

Average number of participants: 1

No documents have been prepared for the meetings.

Contribution of the MS to the operations of the Scientific Review Group: Art. 17.1 (338/97)

The SA has participated at all of the SRG-meetings except two during the period.

Average number of participants: 1

The MA has participated as an observer at all of the SRG-meetings.

Average number of participants: 1

No documents have been prepared for the meetings.

Contribution of the MS to the operations of the Enforcement Group: Art. 14.3 (a) and (b) (338/97)

The MA has had one representative at all Enforcement meetings.

The SA has participated at one of the Enforcement meetings.

The National Police Board has had one representative at all Enforcement meetings.

The Customs Authorities has had one representative at all Enforcement meetings.

No documents have been prepared for the meetings. On one occasion has the National Police Board presented an overview of the situation in Sweden concerning illegal hunting of birds of prey and more specifically the illegal gathering of juveniles and eggs.

SCORECARDS

In reference to our previous statement on the Committee meeting the 13th of March 2003, Sweden refrain from using the scorecard system in the biennial report of 2001-2002.

APPENDIX 1

Arlanda airport	snakeskin boots	<i>Python molurus</i>	1 pair	Thailand	no sentence
Arlanda airport	leather jacket	<i>Python reticulatus</i>	1	Thailand	no sentence
Arlanda airport	snakeskin belt	<i>Boa constrictor</i>	2	Thailand	unknown

Custom seizures of CITES goods

2001 - Sweden

Customs office	Goods	Scientific name	Amount	Country of export	Case
Landvetter airport	ivory tusk and bracelet	<i>Elephantidae spp.</i>	1	Nigeria	finer 1500 SEK
Arlanda airport	stuffed bird	<i>Buteo buteo</i>	1	Irak	unknown
Arlanda airport	stuffed lizard	<i>Iguana iguana</i>	1	Peru	no charges
Arlanda airport	stuffed bird	<i>Buteo buteo</i>	1	Ungern	finer 2000 SEK
Arlanda airport	snakeskin belt	<i>Naja naja kaothia</i>	1	Thailand	finer 3500 SEK
Arlanda airport	stuffed bird	<i>Buteo buteo</i>	1	Serbien	finer 2900 SEK
Arlanda airport	snakeskin shoes	<i>Python reticulatus</i>	1 pair	Australien	unknown

Landvetter airport (Göteborg)

Arland airport (Stockholm)

APPENDIX 2

Arlanda airport	snakeskin hat	<i>Naja spp.</i>	1		Sweden	Thailand	wearing	not closed
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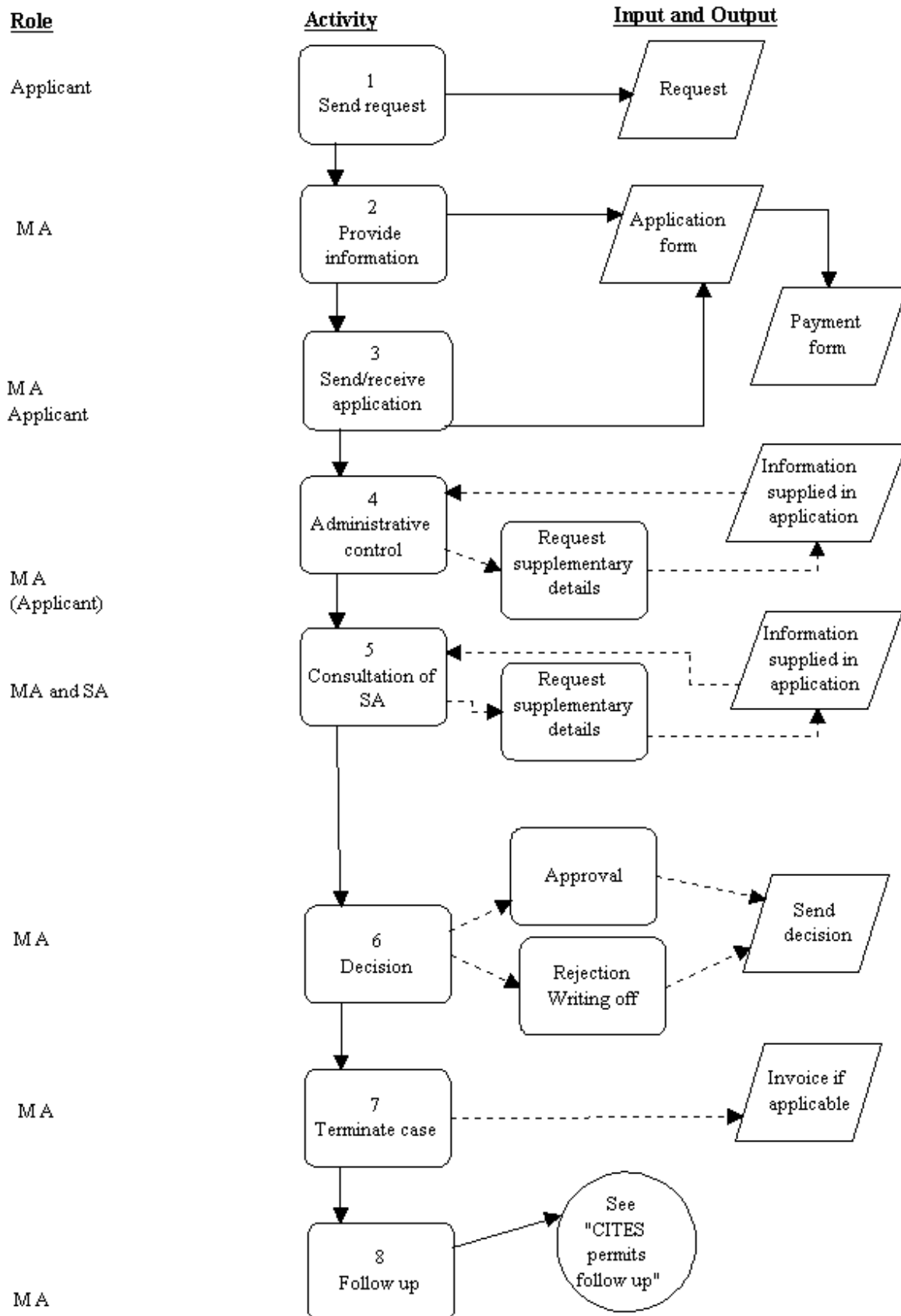
Custom seizures of CITES goods

2002 - Sweden

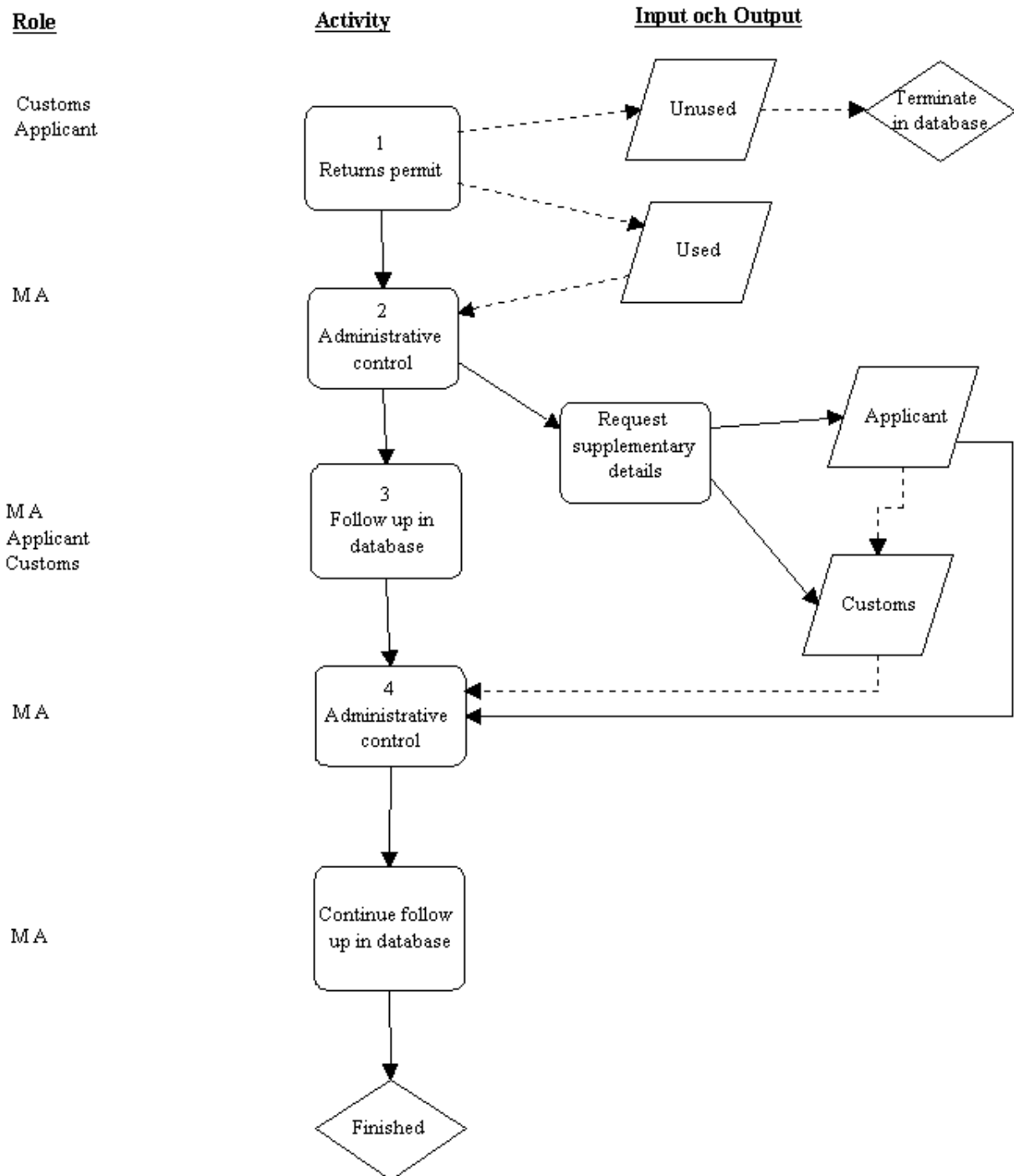
Customs office	Goods	Scientific name	Amount	Live	Destination	Country of export	MO	Case
Arlanda airport	snakeskin jacket	<i>Naja naja kaothia</i>	1		Sweden	Thailand	wearing	not closed
Arlanda airport	snakeskin shoes	<i>Naja spp.</i>	1 pair		Sweden	Thailand	wearing	not closed
Arlanda airport	snakeskin belt	<i>Naja spp.</i>	1		Sweden	Thailand	wearing	not closed
Arlanda airport	leather telephone holder	<i>Caiman crocodilus</i>	1		Sweden	Thailand	wearing	not closed
Arlanda airport	corals	<i>Acropora spp.</i>	2		Norway	Brasilien	in luggage	not closed
Arlanda airport	ivory medallions	<i>Elephantidae spp.</i>	3		Sweden	Thailand	flight freight	dropped
Arlanda airport	snakeskin	<i>Python reticulatus</i>	4		Sweden	Thailand	in luggage	finer 2700 SEK
Arlanda airport	snakeskin	<i>Naja naja kaothia</i>	1		Sweden	Thailand	in luggage	finer 2100 SEK
Arlanda airport	snakeskin belt	<i>Naja naja kaothia</i>	1		Sweden	Thailand	in luggage	finer 1500 SEK
Arlanda airport	tortoises	<i>Apalone spinifera</i>	2	yes	Sweden	Iran	in luggage	not closed
Arlanda airport	tortoises	<i>Testudo graeca</i>	1	yes	Sweden	Turkey	wearing	finer 1500 SEK
Arlanda airport	stuffed bird	<i>Pernis apivorus</i>	1		Sweden	Syria	in luggage	no charges
Arlanda airport	stuffed bird	<i>Buteo lagopus</i>	1		Sweden	Russia	in box	finer (unknown amount)
Arlanda airport	corals	<i>Acropora spp.</i>	8		Sweden	Brasil	in luggage	finer (unknown amount)
Arlanda airport	skeleton parts	<i>Cheloniidae spp.</i>	52		Sweden	Brasil	in luggage	finer (unknown amount)
Arlanda airport	stuffed tortoise	<i>Chelonia mydas</i>	1		Sweden	Iran	in luggage	dropped
Arlanda airport	tortoise	<i>Testudo graeca</i>	1	yes	Sweden	Turkey	in cigarette pack	finer 1500 SEK

Arlanda airport (Stockholm)

CITES permit applications



CITES permits follow up



UK

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**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN
IRELAND**

**CONVENTION ON INTERNATIONAL TRADE IN
ENDANGERED SPECIES OF WILD FAUNA AND FLORA
(CITES)**



**2001-2002
UK BIENNIAL REPORT**

**PREPARED BY THE DEPARTMENT FOR ENVIRONMENT,
FOOD AND RURAL AFFAIRS (Defra)
JUNE 2003**

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2002 UK BIENNIAL REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES)

This report has been produced in accordance with Article VIII, para 7(b) of the Convention and Article 15.4(c) of Council Regulation 338/97. It contains information on the legislative, regulatory and administrative measures taken by the UK to enforce the Convention. It covers the period from 1 January 2001 to 31 December 2002.

I. LEGISLATIVE AND REGULATORY MEASURES

1. National Legislation to Implement the Regulations

CITES has been implemented in the UK since 31 October 1976. From 1 June 1997, CITES has been implemented throughout the European Union by Council Regulation 338/97 and the implementing Commission Regulation 939/97.

A number of subsequent amending regulations have since been adopted. Some of these have themselves been replaced. The regulations are listed below:

Council Regulation 338/97 (Main Wildlife Trade Regulation)

amended by **1476/99** (amends "Notes in interpretation of Annexes")

amended by **2724/2000** (replaces all the Annexes and therefore replaces 2307/97)

Council Regulation 939/97 (implementing Commission Regulation)

amended by **1808/2001** (replaces 939/97)

Commission Regulation 2551/97 (Stricter Domestic Measures)

replaced by **1968/99** (replaces list of import suspensions)

replaced by **1988/2000** (replaces list of import suspensions)

As reported in the UK's previous Biennial Report, the CITES Regulations are enforced within the UK by the **Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES)**. Her Majesty's Customs and Excise Department (HMC&E) enforce the import and export controls at UK ports and airports under the provisions of the Customs and Excise Management Act 1979.

During 2002 the UK CITES Management Authority (UK MA) began a wide-ranging review of the COTES Regulations. It includes police and wildlife inspectors' powers; proposed new offences and penalties; and will consider whether the maximum penalty for COTES offences should be increased from two to five years imprisonment.

2-6. National Legislation to Impose Sanctions and Seizures

The Control of Trade in Endangered Species (Enforcement) Regulations 1997 (COTES) create offences and prescribe sanctions for the offences listed in Article 16 of the Council Regulation. The maximum penalty is £5,000 and/or a prison sentence of up to three months for cases heard in a Magistrates' Court, or an unlimited fine and/or a prison sentence of up to two years for those heard in a Crown Court.

In cases where guilt is proven, COTES provides that the Courts must order the forfeiture of the specimen (or any other thing in respect of which the offence was committed), and may order the forfeiture of any vehicle or other thing used to commit the offence.

COTES also provides powers for Police officers to obtain search warrants to enter premises where they have reasonable grounds to believe that an unlawfully imported or acquired specimen is being held; or that an offence under the Regulations is being or has been committed and that evidence may be found on the premises. A Police officer also has powers to make seizures in certain circumstances.

Section 139 of the Customs and Excise Management Act 1979 (CEMA) allows anything liable to forfeiture under that Act to be seized by any customs officer or police constable. Schedule 3 of the Act provides that a person has one month to challenge any seizure, or the item will be condemned. If a challenge is made, the matter is taken to court and the person must show on the balance of probabilities, that the items were not liable to forfeiture under CEMA.

CITES offences and penalties are prescribed by Parliament and apply throughout the UK.

The Criminal Justice Act 1991 requires magistrates to take into account all the circumstances of an offence and the offender. They are required to consider whether a discharge or a fine is appropriate, whether the offence is serious enough for a community penalty or whether the offence is so serious that only a custodial sentence is appropriate. Factors which will be considered include pre-sentence reports; aggravating factors such as previous convictions, the high value of specimens, or the conservation status of the specimen; mitigating factors, for example good character, guilty pleas and co-operation with the police; and the financial circumstances of the offender.

Within the UK the CITES Customs team based at Heathrow act as the main agents for re-housing seized/detained specimens. They have built up excellent links with the European and British Zoo Federations and with the various studbook holders for European Breeding programmes. In areas where there is some doubt as to the best re-homing of a seized specimen advice is sought from the UK's Scientific Authorities (The Joint Nature Conservation Committee and/or the Royal Botanical Gardens Kew). As a general rule, organisations who are entrusted with seized specimens are forbidden to sell or trade with the

specimen or with any offspring. Specific approval would be needed from the UK MA for any seized specimen to move from its allotted re-homed site.

7. Infringements and Legal Actions

The UK has no central record of statistics for offences under the COTES Regulations. For this reason it is not possible to estimate the number of court cases versus the number of CITES infringements. As a general rule a simple infringement of the CITES regulations for a first time offender who offended through ignorance is likely to result in a warning letter from the Management Authority rather than court action. Cases involving commercial activity however are far more likely to result in court action subject to the tests of public interest applied by the Crown Prosecution Service. However, during the period January 2001 to December 2002, the Department for Environment, Food and Rural Affairs (Defra) was involved with the following cases:

- 50 Police cases concerning breaches of the COTES Regulations. Penalties ranged from £1,800 fines to conditional discharge with forfeiture of specimens.
- 10 HMC&E cases – one of these was a major case, the details of which are outlined below.
- In July 2000 a UK bird of prey keeper and two associates (one of which was a Thai national) were intercepted at Heathrow Airport with two large suitcases which were later found to contain 23 birds of prey that had been smuggled out of Thailand. The birds had their legs taped together and were stuffed in blue plastic tubes. The tubes had air holes drilled in them and pieces of chopsticks pushed in each end to stop the birds getting out. Six of the birds were dead, another died the following day. The smuggled birds included Brown and Malay Fish owls, Barred Eagle owls, Asian Wood owls, Asian Bared owlets, Eastern Marsh Harrier, Mountain Hawk eagles, Oriental Bay owls, Brahminy kites, Forest Eagle owls and Harriers. A search at the keepers premises revealed a further 54 birds of prey – including Crested Serpent eagles, Changeable Hawk eagles and Blyth's Hawk eagles, together with 7 Slow Loris and 5 tortoises – some of which had also been imported illegally.

The three were jointly charged with the illegal import of 23 birds of prey. The UK keeper was also charged with 15 other offences relating to the evasion of import restrictions in respect of various CITES specimens and 5 COTES offences relating to the sale or keeping for sale of Annex A specimens without the necessary Article 10 certificates and the theft of a Golden Eagle. The UK keeper and other UK national pleaded not guilty, whilst the Thai national pleaded guilty.

Following a 13 week trial the UK keeper was found guilty on all counts and sentenced to 6 ½ years in prison with a recommendation that he serve at least two thirds before he could be released. The Thai national

was sentenced to 22 months in prison; the other UK national was acquitted.

There was also a successful prosecution in respect of bushmeat which resulted in the two defendants receiving four-month prison sentences. This case, in June 2001, was the first successful bushmeat prosecution in the UK. It involved two London shopkeepers who ran a highly lucrative “service” for African expatriates prepared to pay high prices for bushmeat. As well as smuggling bushmeat (including some derived from endangered species) into the UK, the couple sold snake and lizard skins and tiger and leopard parts for the traditional medicine market.

- A zoo in the UK was also successfully prosecuted for displaying specimens of Annex A species without the necessary Article 10 or Article 30 certificates. In court the owner of the zoo pleaded not guilty to the charges. Although the zoo had applied for, and been issued with, Article 10 certificates for the sale of some specimens in the past, they claimed they were not aware of the requirements for display certificates. However, during the trial, documents were produced by a UK MA witness which showed conclusively that they were aware of the requirements. As a result they changed their plea to guilty. They were subsequently fined £5,000 and ordered to pay £350 costs. The court also ordered the forfeiture of 36 Annex A specimens which included tortoises, tamarins, Barn owls, Tawny owls, ocelots and a Scarlet macaw.
- In 2002 at the premises of a UK timber importer documentary evidence was found indicating the deliberate mis-declaration of Ramin timber from Indonesia as another species. The importer agreed to pay a compound penalty of £80,000 to mark these offences as an alternative to the case being heard in a court of law.

8. Contributions to Operations of Enforcement Group

The UK is represented on the Enforcement Group by officers from its CITES MA and from Her Majesty's Customs & Excise (HMC&E). The UK is keen to continue to work with the Group and to make a positive contribution to promoting EU wide enforcement. The UK is also particularly keen to promote the use of DNA and forensic technologies in the enforcement of wildlife legislation. Efforts are also being made to support the enforcement process and to raise awareness of the impact and implications of wildlife crime through the UK's Partnership for Action Against Wildlife Crime (PAW).

HMC&E provides training courses for its staff involved in CITES work. These week-long courses are held at the Royal Botanic Gardens, Kew (RBG, Kew) - the home of the UK's Scientific Authority (UK SA) for flora.

In addition to the week-long course for officers who deal with CITES matters on a regular basis, the CITES team at Heathrow Airport also arranges local training events for HMC&E enforcement staff.

II. ADMINISTRATIVE MEASURES

9. Her Majesty's Customs and Excise (HMC&E)

HMC&E have CITES Wildlife and Endangered Species Officers (CWSEOs) located in each of its regions. There is also a separate CITES Enforcement Team of 8 based at London (Heathrow) Airport, who have special responsibility for co-ordinating enforcement of the CITES import and export controls.

Designated ports of entry for live CITES listed animals in the UK are set out in the Control of Trade in Endangered Species (Designation of Ports of Entry) Regulations 1985. In addition, as a result of developing Animal Health legislation, the number of points through which live animals may enter the UK from third countries has changed considerably since the original national regulations were produced in 1985. Entry points for live animals are now restricted to Border Inspection Posts (BIPs) set out in the Animals and Animal Products (Import and Export) Regulations (Latest version 2004). The UK MA is intending to prepare new legislation specifying CITES points of entry and exit early next year so that the list of ports and airports contained in the CITES Regulations is entirely consistent with the list of BIPs.

Each designated port of entry has a customs presence where at least one of the customs officers will have received some basic CITES training. However, it is recognised that Customs cannot be expected to provide experienced CITES trained officers at every point of entry to the UK. For this reason there is a 24hr presence at Customs Heathrow who are able to provide advice and expertise when required.

10. Management Authority (MA)

During the period of this report, the CITES Management Authority (MA) for the UK and Northern Ireland was the Global Wildlife Division (GWD) of the Department for Environment, Food and Rural Affairs (Defra). Contact details are at Annex A. Within GWD, 4 members of staff are employed fulltime on CITES Policy related work and 30 on aspects of licence processing. Additionally there are 5 who have some CITES involvement. CITES Licensing work is carried out by 23 fulltime staff at an annual cost of approximately £1,060,000. All fulltime staff work 37 hours per week.

The total expenditure per annum on CITES related work in Defra is approx £3.65m which is about 0.067% of the total budget.

Listed below is a breakdown of timings for dealing with an average application by Licensing staff.

PROCESS	TIMING	GRADE
Application inputting	21½ mins	AO
Application processing (average of both A10	5 mins	AA

and import/export) Includes applications which require referral and those on the SA list of delegations	52½ mins 8 mins	AO EO
Refused applications	5 mins 52½ mins 30 mins	AA AO EO
Retrospectives	5 mins 72½ mins 28 mins 30 mins	AA AO EO Grade 7
Post opening (per application)	4.3 mins negligible	AA/AO (average) EO
Bird registration	21½ mins	AO

PROCESS	TIMING	GRADE
Running, sort and correcting address list for annual customer survey	3 days (p.a.) 2 days (p.a.)	HEO (IT) AO
Running and correcting data for annual reports	1 day (p.a.) ? days (p.a.)	HEO (IT) EO
Major enforcement queries (ad hoc)	15 days (p.a.)	HEO (IT)
Answering telephone queries	5 days (p.a.) ¼ day (p.a.) 12¼ days (p.a.) 171¼ days (pa) 38½ days (pa)	Grade 7 HEO EO AO AA
Ad hoc queries for parliament (PQs, MSUs, debates etc)	20 days (p.a.)	HEO (IT)

11. Scientific Authorities (SAs)

The UK's statutory Scientific Authorities (SAs) are the Joint Nature Conservation Committee (JNCC) for fauna; and the Royal Botanic Gardens, Kew (RBG, Kew) for flora. Contact details are at Annex A.

The SA's primary responsibility is to advise the UK's MA on applications for import and export permits and Article 10 certificates. Advice is provided electronically by a remote link to a central licensing database held at the MA. The SAs are required to provide advice to the MA within five working days for 90% of applications.

a. SA FOR FAUNA

The SA for fauna is housed within the International Unit of the Joint Nature Conservation Committee (JNCC). JNCC is the forum through which English Nature (EN), Scottish Natural Heritage (SNH) and the Countryside Council for Wales (CCW) deliver their statutory responsibilities as adviser to the British Government on nature conservation issues affecting Great Britain as a whole and internationally.

The SA for fauna consists of a dedicated team of three full-time staff comprising a Head of Unit, CITES Adviser and a CITES Officer - all of whom are professional ecologists. There is no committee structure. Resources are provided through the grant-in-aid to JNCC derived from Great Britain's country conservation agencies (CCW, EN, SNH).

During the period of this Report, the SA for fauna has:

- Provided scientific advice on import, export and Article 10 certificate applications for animals listed in the relevant Regulations. Over the reporting period, the number of applications advised upon increased by around 25% to a total of around 24,000 applications a year. The staff time spent on licensing issues annually (in 2001 and 2002) is estimated to be: 85 weeks (@37.5 hours per week) = 3,187.5 hours per year. This averages out at advice being given on 7.5 applications per hour;
- Provided scientific support to UK delegation at a CITES range state dialogue meeting on future management of Caribbean hawksbill turtles, which was held in Mexico on 15-17 May 2001. The delegation comprised representatives from Defra, Foreign & Commonwealth Office and five UK Overseas Territories (OTs);
- Prepared for and participated in the 12th meeting of the Conference of the Parties held in Chile, Santiago. The SA for fauna contributed significantly to the preparation of the UK's proposal to CoP12 to list the Basking shark on Appendix II of the Convention, and the proposal to register the Cayman Islands turtle farm with the CITES Secretariat. JNCC was also represented in the UK delegation;
- Represented the UK at a meeting on international trade in coral held in Jakarta 9-12 April 2001. The Head of Unit in his role as Chair of the CITES Animals Committee coral working group, presented a paper on recent changes in CITES procedures;
- Attended the 17th Animals Committee meeting in Hanoi, Vietnam and the 18th meeting in San Jose, Costa Rica, where significant issues included the ongoing work of the significant trade process (especially for sturgeon), periodic reviews of the appendices and changes to source codes and definitions. Work also continued on the coral working group (chaired by JNCC) and included a presentation of a report commissioned by JNCC on distinguishing fossil and non-fossil corals (fossilised corals are exempt from the provisions of CITES). JNCC also represented the UK at the first European Regional meeting of the Animals Committee, held in Bonn, Germany in November 2001;
- Contributed to and participated in all the meetings of the EC CITES Scientific Review Group over the reporting period - making contributions in debate or through papers as appropriate;

- Attended two United Nations Food and Agriculture Organisation (FAO) meetings in Namibia and Germany, to continue discussions on applying the CITES listing criteria to commercially exploited aquatic species;
- Completed the latest editions of four CITES species checklists and, with the collaboration of the CITES secretariat, these were distributed to all CITES Parties (and were also made available on the UK CITES web site), UK enforcement officials and UK OTs.

b. SA FOR FLORA

The SA for flora is housed within the Conventions and Policy Section (CAPS) of the Royal Botanic Gardens, Kew (RBG, Kew). RBG, Kew has more than 500 staff and its resources include the Kew Herbarium, which is one of the world's largest centres of taxonomic expertise and houses an encyclopaedic collection of over 7 million specimens of dried plants, 25,000 fungal collections and some 80,000 specimens of plants in spirit material. Staff expertise covers all CITES plant groups. The scientific and horticultural expertise of RBG, Kew is utilised in its role as the UK's SA.

The SA for flora consists of a team of four full-time professional, scientific staff dedicated to CITES work and trade-related projects and capacity building for CITES and the Convention on Biological Diversity (CBD), for which the section also co-ordinates Kew's response and includes legal expertise amongst its staff.

During the period of this Report, the SA for flora has:

- Provided scientific advice on approximately 7000 import/export applications for plants listed in the relevant Regulations
- Assisted UK enforcement Agencies in some 70 inspections of plant material
- Prepared for and participated in the 12th meeting of the Conference of the Parties, Santiago (Chile), 3-17 November 2002.
- Contributed to and participated in all SRG meetings during this period
- Contributed to and participated in 11th Meeting of the Plants Committee, Lankawi, (Malaysia), 3-7th December 2001
- Contributed to and participated in 12th Meetings of the Plants Committee, Leiden, (Netherlands), 13-17th 2002
- Carried out field surveys of CITES listed bulbs with the Scientific Authority of Turkey
- Represented the UK at the First Meeting of the CITES Mahogany Working Group, Santa Cruz de la Sierra, (Bolivia), 3-5th October 2001
- Contributed to and participated in the CITES European Regional meeting Izmir (Turkey), April 23-27th 2001

12. Units Empowered to Realise Seizures

The UK MA has no direct statutory enforcement powers. It relies on other agencies (described below) to enforce the CITES Regulations in the UK. Her Majesty's Customs & Excise Department (HMC&E) is responsible for

enforcing the third country import and export controls at UK ports and airports under the provisions of the Customs and Excise Management Act (CEMA) 1979. The Police are responsible for investigating offences arising from breaches of the sales and movement restrictions imposed by the EC CITES Trade Regulations.

In addition to the monitoring carried out by HMC&E and the Police on the activities of traders within the UK, MA staff engaged in the processing of applications for CITES permits and certificates undertake monitoring of the information supplied to them with applications. Any possible breaches of the Regulations are passed to an enforcement liaison team (comprising 3 full time members of staff), for a decision on what action would be appropriate.

HMC&E have a network of CITES Wildlife and Endangered Species Officers (CWESOs) throughout the UK who have special responsibility for co-ordinating enforcement of the CITES import and export controls. There is also a national network of Police Wildlife Liaison Officers (PWLOs) who carry out investigations of wildlife offences. Most UK Police forces have at least one PWLO, many of whom carry out their wildlife duties part-time or on a voluntary basis. Fourteen forces employ full-time PWLOs.

Defra's Partnership for Action against Wildlife Crime (PAW) continued to support the networks of PWLOs and CWESOs, and to consider wildlife enforcement strategic issues and develop strategic responses and initiatives. Such initiatives include producing handbooks to support the work of enforcers, commissioning research into the development of DNA and other forensic analysis techniques, and providing training opportunities for enforcers. The PAW website (www.defra.gov.uk/paw) was launched in October 2001.

In April 2002, the UK's new National Wildlife Crime Intelligence Unit was launched by Environment Minister Michael Meacher. The Unit is working hard to fight wildlife crime at the highest level by providing enforcers with actionable intelligence to target and disrupt these crimes. It is serving as the national focal point for gathering and analysing intelligence on serious wildlife crime at regional, national and international level.

A panel of 100 part-time consultant wildlife inspectors is employed by the Department. Their primary responsibility is to check compliance with controls on native species. However, the range and number of inspections carried out has been increased to include checking compliance with certain CITES controls, including pre-export and post-import checks and checks on compliance with conditions attached to Article 10 certificates and import permits.

Defra and WWF-UK continued to contribute to the costs of an enforcement assistance officer within TRAFFIC whose role is to provide additional support and assistance for the Department, the Police, HMC&E and for other Non-Governmental Organisations (NGOs) involved in supporting wildlife law enforcement.

III. INFORMATION / COMMUNICATION

13. Public Awareness Activities and Programs

Throughout the reporting period, the UK MA continued to publicise CITES and its provisions with stakeholders and members of the public. Activities to raise public awareness included the following:

- Building on the success of the UK's Souvenir Alert campaign, Defra updated and reprinted the Souvenir Alert leaflet in 2002 to incorporate additional information on health controls, especially in relation to imports of bushmeat. The leaflet was also published in Welsh. This joint initiative with WWF-UK was launched in July 2000 to alert tourists to the problem of bringing back illegal wildlife souvenirs from their travels. With the support of WWF, the Campaign was targeted at UK airports during the period of this report, including Bristol International, Belfast International, Glasgow and Cardiff International Airports. These regional launches attracted a great deal of media attention and public interest. During 2001 and 2002, the UK MA distributed in the region of 380,000 Souvenir Alert leaflets;
- Defra, together with WWF and HM Customs and Excise, attended a number of major travel shows in 2001 and 2002 to raise awareness of CITES and promote Souvenir Alert. Following attendance at these events, a number of travel companies and organisations agreed to help communicate the Souvenir Alert message through various media, including leaflet and luggage label distribution to overseas holidaymakers, website hyperlinks, articles in travel-related magazines, the inclusion of Souvenir Alert message in package holiday orientation talks and poster displays;
- UK MA staff also attended shows throughout the UK, such as the National Falconry Show, the Game Fair, and various County Shows where they provided information about CITES matters. In addition they attended meetings, seminars and talks with organisations such as the Sustainable User Network (SUN), Parrot Society, Falconry Clubs and Chelonia Group;
- HM Customs and Excise have their own stand which tours shows and events promoting CITES awareness. They have also organised CITES displays at ports and airports;
- In October 2002 the UK MA produced and distributed leaflets (in English, French and Spanish) and posters explaining the rationale behind the UK's proposal to list the basking shark on Appendix II at CoP12. The leaflet, published in association with Wildlife and Countryside Link and the European Elasmobranch Association, sought to encourage international co-operation to ensure the sustainability of future international trade in the species. The leaflet was also translated into Arabic and Russian;
- The UK MA continued to publish its newsletter, the 'CITES Bulletin', to keep CITES permit applicants, trade representative groups and other interested parties informed of any CITES-related procedural and legislative

changes. In addition, a range of Guidance Notes and Leaflets were produced to help customers with CITES issues;

- HM Customs and Excise continued to play an active role within the World Customs Organisation (WCO) in its efforts to raise the awareness of CITES issues amongst Customs enforcement officials. For example, in 2001/2 they participated in updating a WCO CITES brochure which highlights known areas of smuggling involving endangered species;
- HMC&E provides training courses for its staff involved in CITES work. These week-long courses are held at the RBG, Kew - the home of the UK's SA for flora. HMC&E also has a dedicated 8 person team of CITES specialists based at London (Heathrow) Airport, and a network of Customs Wildlife and Endangered Species Liaison Officers (CWESOs) at various locations around the country to provide help and support to its staff. In addition to the weeklong course for officers dealing with CITES matters on a regular basis, the CITES team at Heathrow Airport also arranges local training events for HMC&E enforcement staff;
- To facilitate the implementation of the CITES timber listings the UK SA for flora with HMC&E produced a guide to the implementation of the EU Wildlife Trade Regulations for Ramin;
- In November 2002 the Magistrates' Association (covering England and Wales) and Environment Minister Michael Meacher launched an environmental crime toolkit – which included material on wildlife crime – to assist Magistrates in dealing with these cases when they come before them. The Association also published sentencing guidelines for wildlife offences, to assist its members in considering all the relevant factors when deciding upon sentences in individual cases.

14. Annual Reports

The MA provides data from the UNICORN system to the UNEP World Conservation Monitoring Centre in the prescribed format and responds as quickly as possible to any subsequent queries. Additionally a Supplementary Report is submitted for specimens of CITES species reported by Overseas Territories and Crown Dependencies of the United Kingdom in accordance with Article VIII.7 of the Convention.

The MA does collect the information on species which were dead at the time of introduction in the European Community from the returns submitted. However given the nature of the source information the MA is uncertain as to the accuracy of the information.

HMC&E recorded 502 seizures in 2001 and 510 in 2002. The figures/details were provided as part of the Annual Report and can be provided if required.

IV. IMPLEMENTATION MEASURES

15/16. Procedures for Issuing Permits and Certificates

As indicated earlier CITES Licensing work in the UK is carried out by 23 Management Authority (MA) staff in the Wildlife Licensing and Registration Section (WLRS). The procedures for issuing/re-issuing permits and certificates accord precisely with EU Regulations (EC) No 338/97 and (EC) No 1808/2001. Currently the UK is using an IT system which is based around SYBASE/MS ACCESS software which is not web enabled. It is in the process however of replacing this with a new CITES system based around MS.net technology which will be web enabled. This will enable applicants to make applications via the Internet. It would also enable the UK MA to share data with other EU management authorities should this be proposed/agreed. The average time taken to issue permits is currently 19 days elapsed time i.e. 15 working days. The current IT system (UNICORN) does have some limitations, for example it is not possible to easily produce statistics such as numbers of applications refused and permits replaced.

Following the increase in 2000, the total number of import, export and re-export licenses issued decreased to 21,244 in 2001 and 19,633 in 2002. The number of certificates for the commercial use of Annex A specimens continued to increase to 18,611 in 2001 and dropped back to 16,417 in 2002, still an increase on the figures for the last report. During the same period 942 requests for permits were refused and 1,389 were returned unused.

Duplicates issued under Article 7.3 are clearly marked along the top of the permit as "DUPLICATE" and are issued with the same issue/expiry date and the same serial number as the original. The "special conditions" box cannot be annotated or changed due to the limitations and safeguards built into the current IT system.

17/18. HMC&E Procedures

Completion of used permits by the customs officials and the importer take place in accordance with the requirements of Articles 12, 14 and 17. The returned "used" copy of the permit is then sent by post to the UK MA and is then recorded as such on the IT system. There may be some time delay in this process before the system is annotated as "returned used" but work is being carried out within the UK in particular with the new IT system to automate this process and thus shorten the time delay.

19. Accommodation of Live Specimens

The main destination for live animal imports into UK is the Animal Reception Centre (ARC) at Heathrow Airport which tends to act as the national focal point for holding live seizures. Open 24 hours a day, 365 days a year, it receives and cares for over 650,000 animals of all types - from cats and dogs to baby elephants, horses, reptiles and spiders. These animals arrive at Heathrow from all over the world, and ARC's main duty is to enforce the statutory requirements of UK and EU legislation with regard to importation of animals

and their transport by air. Officers from HM Customs and Excise work within this site.

Customs liaise with the SAs to find and agree suitable locations to house the various live seizures throughout the UK. In the case of live animals, wherever possible a suitable home with a zoo or recognized wildlife organisation is found. Articles and derivatives are donated to appropriate wildlife organisations for education or conservation awareness raising projects - and CITES seizures often form part of HMC&E public awareness displays at exhibitions and county shows. The remaining confiscated items are either stored in Customs (Queens) Warehouses, or destroyed. It is not HMC&E policy to offer for commercial sale live animals or goods confiscated as a result of CITES infringements.

20. Ancestry of Captive Bred Animals

During the period of this report no queries on the ancestry of captive bred animals were dealt with under Article 25 of EC Regulation 1808/2001.

21. Procedures for Marking Specimens

The MA require that live Annex A vertebrates be marked as follows:

- At present, captive bred birds must be marked with a close ring or, where this is not possible due to the physical or behavioural characteristics of the specimen concerned, a micro-chip transponder. Since 1 January 2002 they must be marked with a uniquely marked close ring or, where this is not possible for the above reasons, an unalterable microchip transponder conforming to ISO Standards 11784:1996 and 11785:1996 (E);
- All other animals may be marked with a microchip transponder as described above or, where this is not possible due to the physical or behavioural characteristics of the specimen concerned, a ring, band, tag, tattoo or other appropriate method;
- Marking must be undertaken with due regard to the humane care, well being and natural behaviour of the specimens concerned;
- An exception may be made where evidence is presented to show that the physical properties of the specimens at the time of issue do not allow the safe application of any marking method. In such cases this information will be recorded in box 20 of the certificate or, where marking can be carried out at a later date, a special condition may be included to this effect.

22. Seminars and Training Sessions

The Metropolitan Police Force continued their ongoing education and awareness programme producing leaflets and other explanatory material on CITES listed species.

The SA for fauna provided training in CITES issues to UK Police officers and to Her Majesty's Customs & Excise officials; and also undertook internal training workshops in collaboration with the UK's MA and SA for flora.

The SA for flora continued to run a higher education programme of training courses - all of which include CITES modules.

The UK SA for flora contributed to four training initiatives covering UK Customs, Police and Defra Wildlife Inspectorate.

Defra arranged two-day training seminars for its wildlife inspectors in 2001 and in 2002, to ensure they continue to make an effective contribution to the Department's administration of the controls on wildlife.

The 4th and 5th annual PAW Open Seminars provided opportunities for all the organisations committed to cracking down on wildlife crime to meet to hear about PAW's achievements in the preceding twelve month period, as well as to raise awareness of the challenges facing it in the future.

The 13th and 14th annual UK Police Wildlife Liaison Officers' Conferences provided delegates from police forces, Government Departments and non-Government organisations with an interest in wildlife law enforcement, with an opportunity to come together to share expertise and experiences as well as to receive training.

Annual Scottish PWLO Conferences also took place, providing training for Scotland's enforcement agencies and interested groups, as well as further opportunities for raising awareness and sharing expertise.

In November 2001, the 1st Welsh Wildlife and Environmental Crime Conference took place. It provided an opportunity for wildlife enforcement practitioners (and others with an interest) to come together and receive training. A 2nd Welsh Conference took place in 2002.

The UK funded a member of the MA of the Peoples Republic of China, to visit UK CITES Authorities and in particular the UK's SA for flora for six months to attend a training course and to work on a CITES Significant Trade project.

With funding provided by the UK's MA the SA for flora produced a training tool *CITES and Plants - A Users Guide Version 2.0 on CD-Rom* and distributed this at the 12th Meeting of the Conference of the Parties.

The UK SA for flora published three new CITES Checklists covering, Carnivorous Plants, Aloes and Pachypodiums and Orchids.

ANNEX A

CONTACT DETAILS FOR THE UK'S CITES MANAGEMENT AND SCIENTIFIC AUTHORITIES

Management Authority

John Hounslow – Head Wildlife Licensing and Enforcement Branch
Department for Environment, Food and Rural Affairs
1/17 Temple Quay House
2 The Square
Temple Quay
BRISTOL
United Kingdom
BS1 6EB
Tel: +44 (0) 117 372 8831
Fax: +44 (0) 117 372 8206
E-mail: john.hounslow@defra.gsi.gov.uk

Robert Ford - Head, CITES Policy Branch
Department for Environment, Food and Rural Affairs
1/16 Temple Quay House
2 The Square
Temple Quay
BRISTOL
United Kingdom
BS1 6EB
Tel: +44 (0) 117 372 8384
Fax: +44 (0) 117 372 8373
E-mail: robert.ford@defra.gsi.gov.uk

Web: www.ukcites.gov.uk

Scientific Authority (Fauna)

Joint Nature Conservation Committee
Monkstone House
City Road
PETERBOROUGH
United Kingdom
PE1 1JY

Dr. Vin Fleming, Head – Scientific Authority/International Unit
Tel: +44 (0) 1733 866870
Fax: +44 (0) 1733 866855
E-mail: vin.fleming@jncc.gov.uk

Alison Littlewood - CITES Officer
Tel: +44 (0) 1733 866814
E-mail: alison.littlewood@jncc.gov.uk

Web: www.jncc.gov.uk

Scientific Authority (Flora)

Noel McGough
Conventions and Policy Section
Royal Botanic Gardens, Kew
RICHMOND
Surrey
United Kingdom
TW9 3AE

Tel: +44 (0) 20 8332 5722

Fax: +44 (0) 20 8332 5757

Email: n.mcgough@rbgkew.org.uk

Web: www.rbgkew.org.uk