

WILDLIFE LICENSING AND REGISTRATION SERVICE

The Commercial Use of Endangered Fauna and Flora



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This guide tells you what you need to do if you want to use fauna and flora listed on Annex A of the EC Regulation 338/97 for commercial purposes.



Introduction

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement restricting trade in endangered species. In the European Union, CITES is implemented by Council Regulation 338/97 and Commission Regulation 1808/2001 which set out the rules for the import, export, and commercial use of the listed species.

What does the law say I must do?

EC Regulation 338/97 – Annex A

The regulation applies to both living and dead specimens, and anything that comes from them, including eggs, feathers, blood, semen, wood and seeds.

Under this regulation the commercial use of all fauna and flora listed in Annex A is prohibited unless:

- the regulation exempts them e.g. artificially propagated plants and antiques, *or*
- they have a certificate allowing commercial use issued under the regulation

If you need to know whether something is listed on Annex A, please contact our enquiries number or visit our website (www.ukcites.gov.uk).

EC Regulation 338/97 – Annex B

The commercial use of Annex B specimens is allowed and you do not need a certificate. However, you will need to show that you got these specimens legally.

What is commercial use?

“Commercial use” can mean many things, not just selling something. Offering to buy, buying, keeping for sale, offering for sale, transporting for sale, selling, exchanging and displaying specimens to the public, may all be treated as commercial use whether or not payment is involved. You should contact us if you do not know whether what you intend to do with your specimen will be regarded as “commercial”. We will be happy to advise you.

If you want to use a specimen commercially, you must have a certificate which allows you to do this.



What document do I need to use an Annex A specimen commercially?

If you want to use an Annex A specimen commercially you must get a certificate from us. We call this an **Article 10 Certificate**. It allows you to use the specimen commercially, providing you keep to any conditions on the certificate. Any certificate issued will have conditions of use for some, or all, commercial purposes depending on the individual specimen.

There are two types of certificates available to you depending on the specimen. Each certificate will be clearly marked to show which type it is.

- ‘*Specimen Specific*’ certificates are valid for the first and all following commercial uses. They can only be issued for specimens that are permanently marked in the way the EC Regulations state. The certificate must be passed on with the specimen
- ‘*Transaction*’ certificates are valid for use by the person named and for one commercial transaction only. A new certificate is required for any further commercial use.



If you are buying an Annex A specimen first check that the seller has a certificate which allows its sale. If it has a specimen specific certificate, make sure the seller passes it on to you as it will allow you to use the specimen commercially in the future. If there is no Article 10 certificate, you will be committing an offence if you buy the specimen.

How do I get an Article 10 Certificate?

To get a certificate contact us and we will send you an application form (FED 1012) with guidance notes and an example of how to complete it. You can also download forms from our web site (www.ukcites.gov.uk).

Origin of a specimen

If captive bred:

- tell us when you got the specimen
- how you got it, e.g. was it given to you, did you buy it and from whom
- if you have an Article 10 certificate, tell us its number
- if the specimen is marked in any way, let us know the number and type of mark e.g. a microchip, close or split ring
- if you bred the specimen, provide copies or the reference numbers of the Article 10 certificates for the parents
- for specimens that you got some time ago provide a statement of captive breeding from the breeder or the number of the Article 6 exemption certificate, issued to allow its sale under the EC Regulations prior to June 1997
- if the specimen came from another EC country, provide an EC certificate or an Article 10 certificate

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If wild taken:

- you must be able to show that you got the specimen legally. If the specimen has been imported you can show us the EC import permit.
- if the specimen was sold to you, you should show us any Article 10 certificate issued for that sale, or if this is not available, the certificate number you have noted from it (located in the top right corner).
- birds of prey taken from the wild in the UK because they are disabled will require a report from a Vet. We do not usually allow any commercial use of specimens that are taken from the wild, first generation captive bred (i.e. one of the parents is wild taken), or where the origin is unknown.

Marking requirements

Before we issue an Article 10 certificate for any live vertebrate listed in Annex A, we need to be sure that it is correctly marked. The European Regulations say what that marking should be:

For captive bred birds

“a uniquely marked seamlessly closed leg ring – i.e. a ring or band in a continuous circle without any break or join, which has not been tampered with in any way. It shall be of a size which after having been applied in the first days of the bird's life cannot be removed from the bird when its leg is fully grown. It must have been commercially manufactured for that purpose. Where this cannot be fitted due to the physical or behavioural properties of the bird concerned we may request that a uniquely numbered microchip transponder be fitted instead.”

For all other types of vertebrate:

“a uniquely numbered microchip transponder or, where this cannot be fitted due to the physical or behavioural properties of the specimen concerned, by means of a uniquely numbered ring, band, tag, tattoo or other appropriate means.”

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For some specimens there may be special conditions, needing them to be marked in a certain way. If you are in any doubt contact us to check and we can tell you if there is an approved method of marking.

You must mark live specimens with due regard to the humane care, well being and natural behaviour of the specimen concerned.

Offences

Under the provisions of the Control of Trade in Endangered Species (Enforcement) Regulations 1997, (COTES), it is an offence to use an Annex A specimen for commercial purposes without an Article 10 certificate. The maximum penalty for such offences is a term of imprisonment of up to 2 years and/or an unlimited fine. However, there is a proposal to raise the maximum prison sentence to 5 years..

Useful contacts

CITES general enquiries: 0117 372 8168, 8691 or 8692

Fax: 0117 372 8206

E-mail address : wildlife.licensing@defra.gsi.gov.uk

Dept for Environment, Food and Rural Affairs

UK CITES Management Authority

Zone 1/17

Temple Quay House

2 The Square

Temple Quay

Bristol BS1 6EB

Useful website addresses

www.ukcites.gov.uk

www.defra.gov.uk/wildlife-countryside/index.htm

www.eu-wildlifetrade.org

Publications

Guidance on a wide range of topics is available on our Website or on request as follows:

A Guide to the European Wildlife Trade Regulations

The latest EC list of species included on the EC Annexes

Wildlife Licensing and Registration – Service Charter

Guidance Notes – EC Regulations

GN 1 General Guidance Note for Importers and Exporters

GN 2 Commercial Use

GN 3 Advice for Tortoise Traders

GN 4 Circuses

GN 5 Breeders

GN 6 Bird of Prey Keepers

GN 7 Advice to Antique Dealers

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GN 11 Charges for CITES permits

GN 12 Zoos and Scientific Institutions

GN 13 Wild Disabled Birds

GN 14 Information for Parrot keepers

GN15 Timber

Wildlife and Countryside Act 1981

INF 1 Possession, competitive showing and display of birds

INF 2 Registration of birds

INF 3 List of species on Schedule 4

INF 4 Owls

INF 5 Sick or injured registerable birds

INF 6 Falconry

INF 7 Sale of live birds

INF 8 Schedule of fees

INF 9 Sale of dead birds

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