Draft Regulations laid before Parliament under paragraphs 2(1) to (3) and 5(1) of Schedule 5 to the Retained EU Law (Revocation and Reform) Act 2023, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2026 No.

RETAINED EU LAW REFORM

WILDLIFE

The Control of Trade in Endangered Species (Amendment and Revocation) Regulations 2026

Made - - - -	***
Coming into force-	*23rd June 2026*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 14(1), (2), (3), (4)(a), (b) and (d), (7) and 20(1) of the Retained EU Law (Revocation and Reform) Act 2023 ("the 2023 Act")(**a**).

The Secretary of State is a relevant national authority for the purposes of sections 14(1), (2) and (3) of the 2023 Act(**b**).

In accordance with paragraphs 2(1) to (3) and 5(1) of Schedule 5 to the 2023 Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introduction

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Control of Trade in Endangered Species (Amendment and Revocation) Regulations 2026.

(2) These Regulations come into force on 23rd June 2026.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

(**a**) 2023 c. 28.

(**b**) The term "relevant national authority" is defined in section 21(1) of the Retained EU Law (Revocation and Reform) Act 2023.

PART 2

Amendment of assimilated direct legislation

Amendment of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

2.—(1) Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein(**a**) is amended as follows.

(2) In Article 2(d) (definition of "import notification")—

(a) after "at the time of" insert "or prior to";

(b) after "in Annexes" insert "B, if exempt from Article 4(2),";

(c) for "on a form" substitute "in a format".

(3) In Article 3 (scope)—

(a) in paragraphs 2, 3 and 4 omit subparagraph (b);

(b) after paragraph 4 insert—

"5. Species listed in—

(a) Appendix 1 to the Convention for which the Secretary of State has entered a reservation in relation to Great Britain is, for the duration of the reservation, deemed to be a species listed in Annex B of this Regulation;

(b) Appendix 2 to the Convention for which the Secretary of State has entered a reservation in relation to Great Britain is, for the duration of the reservation, deemed to be a species listed in Annex C of this Regulation;

(c) Appendix 3 to the Convention for which the Secretary of State has entered a reservation in relation to Great Britain is, for the duration of the reservation, deemed to be a species listed in Annex D of this Regulation.".

(4) In Article 4 (introduction into Great Britain)—

(a) after paragraph 5 insert—

"5a. The introduction into Great Britain of specimens of species to which a waiver under Article 7(5) applies is subject to the completion of the necessary checks and the prior presentation of an import notification at the border customs office at the point of introduction.

5b. The introduction into Great Britain of specimens of species listed in Annexes A, B or C from a country with a reservation in place for that species is subject to the completion of the necessary checks and the prior presentation at the border customs office at the point of introduction of documents issued by the competent authorities of that country that conform to the requirements of Articles 3 to 6 of the Convention.

5c. The introduction into Great Britain of specimens of species listed in Annexes A, B or C from a country that is not a party to the Convention is subject to the completion of the necessary checks and the prior presentation at the border customs office at the point of introduction of documents issued by the competent authorities of that country that conform to the requirements of Articles 3 to 6 of the Convention.".

(b) in paragraph 6—

(i) for the words from the beginning to "introduction into Great Britain", substitute—

(**a**) EUR 1997/338, amended by S.I. 2020/1395 and S.I. 2023/106.

"Following consultation with the relevant scientific authority of the United Kingdom and with relevant countries of origin, the Secretary of State may establish restrictions relating to the introduction of specimens of species listed in Annexes A to D into Great Britain";

(ii) for the words after subparagraph (d) substitute—

"The Secretary of State must publish and keep up to date a list of restrictions established under this paragraph".

(5) In Article 5 (export or re-export from Great Britain) in paragraph 2(c)(ii) omit "not listed in Annex I to the Convention".

(6) In Article 7 (derogations) after paragraph (4) insert—

"5. *Imports of certain Annex B specimens*

The Secretary of State—

(a) may, in consultation with the relevant scientific authority of the United Kingdom, waive the requirement for an import permit referred to in Article 4(2) for specimens of species listed in Annex B where such import is determined not to have a detrimental impact on the conservation of the species concerned;

(b) must keep up to date and publish a list of species or specimens of species and countries of origin to which such a waiver applies; and

(c) must maintain a record of import notifications relating to specimens imported under this waiver in accordance with Article 4(5a).".

(7) In Article 8 (provisions relating to the control of commercial activities) for paragraph 4 substitute—

"4. The Secretary of State may, by regulations, set out general derogations—

(a) from the prohibitions in paragraph 1, based on the conditions referred to in paragraph 3;

(b) in relation to species listed in Annex A in accordance with point (ii) of Article 3(1)(b).".

(8) For Article 10 (certificates to be issued) substitute—

"Article 10

The issuance of permits and certificates

1. Subject to paragraph 2, on receiving an application, together with all the requisite supporting documents, from the person concerned and provided that all the conditions governing their issuance have been fulfilled, the management authority may issue a permit or certificate for the purposes referred to in Articles 4, 5, 8 and 9.

2. In considering whether the conditions governing the issuance of a permit or certificate referred to in paragraph 1 have been fulfilled, the management authority must have regard to any additional measures, conditions or restrictions regarding the conditions for trade of specimens of species listed in Annexes A to C relating to conservation of the respective species, which the Secretary of State may set out in guidance and publish following consultation with the scientific authorities.".

(9) In Article 11 (validity of and special conditions for permits and certificates) before paragraph 3 insert—

"2a. Any permit or certificate issued in accordance with this Regulation is deemed void if the management authority, in consultation with the competent authority that issued the permit or certificate, establishes the permit or certificate was issued on the false premise that the conditions for its issuance were met.

2b. Any permit or certificate issued on the basis of a permit or certificate deemed void under paragraph 2a is also void.

2c. Specimens situated in Great Britain and covered by a permit or certificate referred to in paragraphs 2a or 2b may be seized, confiscated and disposed of by the relevant competent authority.".

(10) In Article 12 (places of introduction and export) for paragraph 4 substitute—

"4. In exceptional circumstances where temporary authorisation is necessary for urgent conservation or welfare purposes, the management authority may authorise the introduction into Great Britain or the export or re-export therefrom of specimens of species covered by this Regulation other than for primarily commercial purposes(**a**), at a customs office other than one designated in accordance with paragraph 1.

4a. Prior to granting temporary authorisation under paragraph 4, the management authority must be satisfied that—

(a) an existing customs office designated under paragraph 1 is not available to carry out the necessary checks and formalities for introduction into or export or re-export from Great Britain; and

(b) the proposed customs office is equipped to carry out the necessary checks and formalities for the introduction into or export or re-export from Great Britain.".

Amendment of Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

3.—(1) Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein(**b**) is amended as follows.

(2) After Article 1a (references to importation) insert—

"Article 1b

Electronic forms

Any form mentioned in Article 4 (including an application form, continuation sheet, label, notification, annex to a form and supporting document) may be submitted to the management authority in paper or electronic format or both.".

(3) In Article 8 (issue and use of documents) in paragraph 1, for the sentence beginning "Permits and certificates, substitute—

"Permits, certificates and labels may be issued in paper format or in electronic format, or both, by the management authority and by the competent authority of a third country.".

(4) In Article 10 (validity of import and export permits etc)—

(a) after paragraph 3a insert—

"3b. The period of validity of a certificate issued by the management authority under Article 60 shall not exceed five years but the management authority may re-issue the certificate prior to the certificate's date of expiry for a further period not exceeding five years.

3c. A certificate issued under Article 60 prior to 23rd June 2026 that does not specify an expiry date expires on 22nd June 2031.";

(b) in paragraph 4, for "and 3a", substitute ", 3a and 3b".

(5) In Article 11 (validity of used import permits and certificates), in paragraph 3 for the words from the beginning to "means" substitute—

(**a**) See Article 2(m) of Council Regulation (EU) No 338/97 for the meaning of "primarily commercial purposes".
(**b**) EUR 2006/865, amended by S.I. 2020/1395 and S.I. 2020/1668.

"Certificates issued in accordance with Articles 48 and 63 must be clearly marked in the appropriate location on the face of the certificate as—

(a) transaction-specific in the case of specimens or dead specimens which cannot be marked or identified by other means; or

(b) specimen-specific in the case of specimens or dead specimens which are uniquely and permanently marked.".

(6) In Article 19 (simplified procedures with regard to export or re-export of dead specimens)—

(a) in the heading—

(i) after "regard to" insert "import,";

(ii) omit "dead";

(b) in paragraph 1—

(i) in the unnumbered paragraph before subparagraph (a)—

(aa) before "export", in the first place it occurs, insert "import,";

(bb) after "re-export of" omit "dead";

(cc) before "export permits" insert "import permits,";

(ii) in subparagraph (a) before "export or" insert "import,";

(iii) in subparagraph (b) after "species" insert "or specimens of species";

(iv) in subparagraph (c) after "partially completed" insert "import permits,";

(v) in subparagraph (d) for the unnumbered paragraph before point (i) substitute—

"the management authority must authorise registered persons or bodies to enter specific information in boxes 3, 5, 8 and 9 or 10 of the export permit or re-export certificate or boxes 1, 4, 8, and 9 or 10 of the import permit provided that they comply with the following requirements:";

(c) in paragraph 2—

(i) before "export" insert "import,";

(ii) for "Article 5(4)" substitute "Articles 4(2) and 5(4)".

(7) In Article 24 (documents to be surrendered by the importer to the customs office) after paragraph 2 insert—

"3. In the case of an import notification that relates to specimens of species listed in Annex B to Regulation (EC) No 338/97, which are exempt from Article 4(2) of that Regulation by Article 7(5) of that Regulation, customs offices may, where necessary, retain such specimens pending verification of the validity of the accompanying export documents referred to in Article 4(1)(b) (as applied by Article 4(2)(c)) of that Regulation).".

(8) In Article 32 (issuing authority) for paragraph 2, substitute—

"2. A travelling exhibition certificate issued by a third country is valid for use in Great Britain provided that—

(a) the certificate has not expired;

(b) it conforms to the format and content requirements set out in Annex 3 of CITES Resolution Conf. 12.3(**a**);

(c) the specimen covered by the certificate is clearly marked and is accompanied by the original certificate and any required continuation sheets;

(d) the issuing authority is listed as a management authority(**b**) by the Convention Secretariat; and

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(**a**) Annex 3 of CITES Resolution Conf.12.3 can be found on the CITES website at https://cites.org/eng/res/index.php.

(**b**) A list of management authorities can be found on the CITES website at https://cites.org/eng/parties/country-profiles/national-authorities.

(e) the management authority is satisfied there is no history of non-compliance associated with the certificate or the specimen or specimens to which the certificate applies.".

(9) In Article 34 (applications) for paragraph 1, substitute—

"1a. The applicant for a travelling-exhibition certificate must complete boxes 3 and 9 to 18 of the application form (form 3) and boxes 3 and 9 to 18 of the original and all copies(**a**).

1b. The applicant must include in the application form the name and details of the owner of the specimen and, if relevant, the name and details of a person authorised by the owner of the specimen to act on their behalf.

1c. Where the applicant for a certificate is not the owner of the specimen subject to the application, evidence of authority to make the application on behalf of the owner must be submitted in written form to the management authority together with the application form;

1d. The management authority may authorise the completion of a single application form in which case such an application may be for more than one certificate.".

(10) Omit Article 45a (introduction, export or re-export through a non-designated customs office).

(11) In Article 48 (certificate provided for in Article 8(3) of Regulation (EC) No 338/97 (certificate for commercial use)) in paragraph 2 after "import" insert ", export or re-export".

(12) In Article 57 (introduction and reintroduction into Great Britain of personal and household effects) in paragraph 1, in the first unnumbered paragraph after "if they" insert "are not subject to any additional measures, conditions or restrictions set out in guidance published under Article 10(2) of Regulation (EC) No 338/97 and".

(13) In Article 58 (export and re-export from Great Britain of personal and household effects) in paragraph 1, after "transported for sale" insert "or specimens subject to any additional measures, conditions or restrictions set out in guidance published under Article 10(2) of Regulation (EC) No 338/97".

(14) In Article 60 (derogation from Article 8(1) of Regulation (EC) No 338/97 for the benefit of scientific institutions)—

(a) omit "in consultation with a scientific authority";

(b) after "sale" insert ", exchange or loan".

(15) In Article 66 (marking methods), for paragraph 8 substitute—

"8a. Captive born and bred birds, as well as other birds born in a controlled environment must be marked with a seamlessly closed leg-ring that is uniquely marked in accordance with guidance on the unique marking of seamlessly closed leg-rings published by the management authority.

8b. For the purposes of paragraph 8a, a seamlessly closed leg-ring refers to a ring or band in a continuous circle, without any break or join, which has not been tampered with in any way, of a size which cannot be removed from the bird when its leg is fully grown after having been applied in the first days of the bird's life and which has been commercially manufactured for that purpose.".

(16) In Annex 10 (animal species referred to in Article 62(1)) after "*Psephotus dissimilis*" insert—

"**Reptilia**
TESTUDINES

(**a**) The application form for a travelling-exhibition certificate can be found in Annex 3 to Commission Implementing Regulation (EU) No 792/2012. Applicants can obtain a copy of the application form from the management authority. Details of how to apply for a form can be found on the government website at https://www.gov.uk/guidance/cites-imports-and-exports.

Testudinidae

Testudo graeca
Testudo hermanni
Testudo marginata".

Amendment of Commission Implementing Regulation (EU) No 792/2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

4.—(1) Commission Implementing Regulation (EU) No 792/2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein(**a**) is amended as follows.

(2) In Annex 2—

(a) in form 1 (original)—

(i) in each of box 6A to F after "species" insert "and for species listed in Annex B to Regulation (EC) No 338/97 that are exempt from requirements for an import permit under Article 4(2) of that Regulation by means of a waiver under Article 7(5) of that Regulation";

(ii) in box 13, after "CITES" insert "or listed in Annex B to Regulation (EC) No 338/97 and exempt from requirements for an import permit under Article 4(2) of that Regulation by means of a waiver under Article 7(5) of that Regulation";

(b) in the notes following form 1 (instructions and explanations)—

(i) in point 9 after "Annexes" insert "B,";

(ii) in point 12 before "C" insert "B,";

(iii) in point 13, after "documents" insert "and, for specimens exempt from an import permit under Article 4(2) of Regulation (EC) No 338/97 by means of a waiver under Article 7(5) of that Regulation, the export permit or re-export certificate";

(c) in form 2 (copy for the importer)—

(i) in each of box 6A to F after "species" insert "and for species listed in Annex B to Regulation (EC) No 338/97 that are exempt from the requirement for an import permit under Article 4(2) of that Regulation by means of a waiver under Article 7(5) of that Regulation";

(ii) in box 13, after "CITES" insert "or listed in Annex B to Regulation (EC) No 338/97 and exempt from requirements for an import permit under Article 4(2) of that Regulation by means of a waiver under Article 7(5) of that Regulation";

(d) in the notes following form 2 (instructions and explanations)—

(i) in point 9 after "Annexes" insert "B,";

(ii) in point 12 before "C" insert "B,";

(iii) in point 13 after "documents" insert "and, for specimens exempt from an import permit under Article 4(2) of Regulation (EC) No 338/97 by means of a waiver under Article 7(5) of that Regulation, the export permit or re-export certificate.".

(3) In Annex 3—

(a) in form 1 (travelling-exhibition certificate, original), in box 3—

(i) after "registration)" insert "and applicant (name, permanent address and country of registration) where the form is completed by an applicant on an owner's behalf";

(**a**) EUR 2012/792, amended by S.I. 2020/1395.

(ii) after "signature of owner" insert "or of applicant where the form is completed by an applicant on the owner's behalf";

(b) in the notes following form 1 (instructions and explanations)—

(i) in point 3—

(aa) after "by the certificate" insert "and also (if the form is completed by an applicant on the owner's behalf) the full name, permanent address and country of the applicant";

(bb) after "signature of the owner" insert "or of the applicant if the form is completed by an applicant on the owner's behalf";

(ii) in point 19 omit the words from "In the case of" to "first destination.";

(c) in form 2 (travelling-exhibition certificate - copy for the issuing authority), in box 3—

(i) after "registration)" insert "and applicant (name, permanent address and country of registration) where the form is completed by an applicant on an owner's behalf";

(ii) after "signature of owner" insert "or of applicant where the form is completed by an applicant on the owner's behalf";

(d) in form 3 (travelling-exhibition certificate - application), in box 3—

(i) after "registration)" insert "and applicant (name, permanent address and country of registration) where the form is completed by an applicant on an owner's behalf";

(ii) after "signature of owner" insert "or of applicant where the form is completed by an applicant on the owner's behalf";

(e) in the notes following forms 2 and 3 (instructions and explanations), in point 3—

(i) for "(not of an agent)" substitute "and also (if the form is completed by an applicant on the owner's behalf) the full name, permanent address and country of the applicant";

(ii) after "signature of the owner" insert "or of the applicant if the form is completed by an applicant on the owner's behalf".

PART 3

Amendment of subordinate legislation

Amendment of the Control of Trade in Endangered Species Regulations 2018

5. In the Control of Trade in Endangered Species Regulations 2018(**a**), in Schedule 2 (civil sanctions) in paragraph 1 (interpretation) for the definition "relevant regulation", substitute—

""relevant regulation" means—

(a) regulation 6 of these Regulations;

(b) Article 16(1)(a)(**b**), (c), (g), (j), (k) and (l) of the Principal Regulation;

(c) Article 64(2) of the Subsidiary Regulation;

(d) Article 66(6) and (7) of the Subsidiary Regulation;".

(**a**) S.I. 2018/703, amended by S.I. 2020/1395.
(**b**) For criminal sanctions, see the Customs and Excise Management Act 1979 (c. 2).

PART 4

Revocation of assimilated direct legislation

Revocation of Commission Implementing Regulation (EU) 2019/1587 prohibiting the introduction into Great Britain of specimens of certain species of wild fauna and flora in accordance with Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein

6. Commission Implementing Regulation (EU) 2019/1587 prohibiting the introduction into Great Britain of specimens of certain species of wild fauna and flora in accordance with Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein(**a**) is revoked.

Name
Parliamentary Under Secretary of State
Date Department for Environment Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend, revoke and replace various provisions in secondary assimilated law within the meaning of section 12(2) of the Retained EU (Revocation and Reform) Act 2023 (c. 28).

These Regulations also amend subordinate legislation that enforces the secondary assimilated law.

The assimilated direct legislation amended, revoked or replaced by these Regulations is Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein ("the 1997 Regulation"), Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein ("the 2006 Regulation"), Commission Implementing Regulation (EU) No 792/2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein ("the 2012 Regulation") and Commission Implementing Regulation (EU) 2019/1587 prohibiting the introduction into Great Britain of specimens of certain species of wild fauna and flora in accordance with Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein ("the 2019 Regulation").

The assimilated direct legislation implements international obligations arising from the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES controls the import, export, re-export and transhipment of protected flora and fauna, including dead or living species, as well their parts or derivatives.

Part 1 (regulation 1) contains introductory provisions.

Part 2 (regulations 2 to 4) contains amendments to the 1997 Regulation, the 2012 Regulation and the 2006 Regulation.

Part 3 (regulation 5) amends the Control of Trade in Endangered Species Regulations 2018 (S.I. 2018/703) in relation to civil sanctions.

Part 4 revokes the 2019 Regulation.

(**a**) S.I. 2019/1587, amended by S.I. 2020/1395.

No impact assessment has been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen. Instead, a de minimis assessment has been prepared and has been published, with an Explanatory Memorandum, alongside these Regulations at www.legislation.gov.uk.

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