EXPLANATORY MEMORANDUM TO

THE CONTROL OF TRADE IN ENDANGERED SPECIES (AMENDMENT AND REVOCATION) REGULATIONS 2026

2026 No. [XXXX]

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Department for Environment, Food and Rural Affairs ("Defra") and is laid before Parliament by Command of His Majesty.

2. Declaration

2.1 Mary Creagh CBE MP, Parliamentary Under Secretary of State for Nature at the Department for Environment Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

2.2 Jamie Rendell, Deputy Director for International Biodiversity and Wildlife, at the Department for Environment Food and Rural Affairs confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 Kat Holmes at the Department for Environment Food and Rural Affairs can be contacted by email at the following address with any queries regarding the instrument: cites.ukma@defra.gov.uk.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends four items of assimilated law[1] and revokes one[2]. It forms part of the Government's programme to reform the UK's implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), delivering a proportionate and administratively lighter framework that continues to give effect to the United Kingdom's international obligations.

4.2 The instrument introduces targeted amendments to better reflect UK trade risk profiles, reducing disproportionate administrative burdens for traders and regulators. It also includes measures that strengthen conservation outcomes, improve operational efficiency, and make minor technical updates.

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[1] Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein,
Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of
The Control of Trade in Endangered Species Regulations 2018 (S.I. 2018/703)
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 and amending Commission Regulation (EC) No 865/2006.

[2] Commission Implementing Regulation (EU) 2019/1587 of 24 September 2019 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.

4.3 Overall, the amendments update several elements of the domestic CITES framework to improve consistency, proportionality and efficiency, and align with the Corry Review's[3] recommendations on simplifying and modernising environmental regulation.

Where does the legislation extend to, and apply?

4.4 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.5 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom. However, this instrument will only have effect in Northern Ireland in relation to import or re-export to or from Great Britain and the amendments being made to the Control of Trade in Endangered Species Regulations 2018 in Part 3 of this instrument.

5. Policy Context

What is being done and why?

5.1 The UK is a contracting Party to CITES, an international environmental agreement which protects wild fauna and flora from unsustainable international trade. CITES regulates trade through a system of documents, including import and export permits.

5.2 The CITES framework that was assimilated into UK law was designed for an EU-wide system and includes controls that go beyond Convention requirements. Some of these measures generate several thousand permits each year, creating administrative burdens for CITES authorities and users without delivering proportionate benefits.

5.3 In the UK, CITES is implemented by several designated authorities, each with defined roles. The UK CITES Management Authority is Defra, which is responsible for overall policy under the Convention and the Animal and Plant Health Agency (APHA), which administers permitting functions. Scientific advice is provided by the Royal Botanic Gardens, Kew, for plant matters and by the Joint Nature Conservation Committee (JNCC) for animal matters, together acting as the UK CITES Scientific Authorities. Border Force (a law enforcement command within the Home Office) and the police deliver inspections, compliance checks, and enforcement activity.

5.4 This SI makes a series of amendments to the assimilated law consisting of a combination of regulatory and deregulatory measures. The changes are estimated to reduce permits issued by 30% per year (approximately 20,000 permits of the 67,000 issued in 2024/2025) whilst retaining trade oversight.

5.5 The following amendments ensure that the legislative requirements better align with differing risk profiles and remove unnecessary burdens on traders and regulators. The changes:

5.5.1 Allow the Secretary of State to determine which additional specimens only require an import notification rather than an import permit. An import notification is an existing document required at the point of import for low risk CITES specimens. It provides a proportionate alternative to import permits for some specimens because it does not require a permit assessment. Customs officials may temporarily retain specimens

[3] Delivering economic growth and nature recovery: an independent review of Defra's regulatory landscape 2025: https://www.gov.uk/government/publications/delivering-economic-growth-and-nature-recovery-an-independent-review-of-defras-regulatory-landscape

imported under an import notification to verify that the accompanying export documents are compliant. This change will allow the regulator to apply proportionate risk-based controls by extending the use of import notifications to additional specimens. It will ensure that full permit assessments are reserved for higher-risk cases, while maintaining appropriate border checks for categories of specimens that are commonly traded.

5.5.2 Allow specimen owners to use export or re-export permits as CITES commercial use certificates (Article 10 certificates) under certain conditions. Article 10 certificates are issued by the regulator to authorise the domestic commercial use of CITES species that require the highest level of protection.

5.5.3 Exempt three low-risk commonly traded, captive-bred tortoises (*Testudo graeca*, *Testudo hermanni*, *Testudo marginata*) from the requirement for an Article 10 certificate under existing legal provisions.

5.5.4 Extend the scope of pre-issued CITES export and re-export permits to certain live specimens and imports. Such permits are pre-authorised by the regulator and completed by the trader at the time of shipment. They have previously been restricted to the export of dead specimens where such exports will have no detrimental impact on the conversation of the species concerned. This change provides for the reduction of costs and administrative processes for industry across a wider range of specimens.

5.5.5 Recognise Travelling-Exhibition Certificates (TECs) issued by other countries and allow applications for such certificates by a single applicant on behalf of an owner, which will assist when there are many owners, such as tour or exhibition organisers and agents applying on behalf of an orchestra. TECs are single multi-use permits that facilitate multiple border crossings for a group of CITES specimens travelling together, such as a museum collections. This removes permit duplication and enables easier movement of travelling exhibitions between the UK and other countries, resolving some longstanding administrative complexities faced by touring exhibitors and performers.

5.6 The following amendments strengthen conservation outcomes. The changes:

5.6.1 Make provision for the CITES Management Authority to have regard to any additional measures or restrictions regarding conditions for trade before issuing a permit or certificate, which the Secretary of State may publish in guidance following consultation with the scientific authorities. Species or specimens covered in the guidance will be subject to these enhanced measures. The enhanced measures may include excluding imported and exported specimens from the personal and household effects derogation and are extra considerations a Party to the Convention may choose to apply to provide stronger protection for certain species than the standard CITES requirements. Provision for these additional measures addresses both to applicants' concerns as to when these additional measures apply and to the regulator's concern that regulatory action could be too slow when new conservation risks emerge.

5.6.2 Strengthen requirements for specimens from countries that have opted not to apply CITES rules to a species, ensuring that such consignments meet standard documentation and checking processes.

5.6.3 Standardise the ringing format for certain captive-bred bird species that require registration with the regulator by setting out standard requirements in guidance. This improves compliance by making bird identification, verification, and data reporting simpler, clearer, and more consistent.

5.6.4 Apply civil sanctions to six additional existing criminal offences under the Control of Trade in Endangered Species Regulations [4] 2018 and the Customs and Excise Management Act 1979[5]. These existing offences involve using, obtaining, trading, or transporting CITES specimens without valid permits, or false, altered, or misused documentation. This amendment remedies enforcement gaps identified by the regulators by introducing the option to impose civil sanctions in cases where prosecution would be disproportionate or impractical. This ensures a more proportionate and consistent approach to securing compliance.

5.7 The remaining amendments introduce updates to improve operational efficiency of CITES implementation or make small technical changes. The changes:

5.7.1 Give the CITES Management Authority discretion to temporarily authorise the exceptional use of a non-designated port of entry to support a consistent response to rare and unpredictable trade scenarios, such as emergency conservation situations, and remove existing provisions relating to temporary authorisation that are no longer relevant.

5.7.2 Introducing a maximum five-year validity period for existing and new commercial use certificates (Article 60 certificates) for scientific institutions, including zoos and museums, that use their conservation collections commercially. In addition, an option to apply for a renewal of an Article 60 certificate before this five-year validity period expires offers flexibility and certainty to long-term collections held by these institutions. A transitional provision applies to certificates issued before the new rules apply.

5.7.3 Revoking the CITES 'Suspension Regulation'[6] and allowing the regulator to update import restrictions through a published list.

5.7.4 Reinstating provisions previously removed in error, which invalidate fraudulent permits and allow seizure of uncertified specimens at the border.

5.7.5 Making two instances of housekeeping amendments that do not change the effect of the provisions, and consequential amendments to the import notification and TEC forms.

5.7.6 Clarifying that CITES documentation may be issued and submitted in electronic format as well as on paper, including where these are issued by third countries.

What was the previous policy, how is this different?

5.8 This instrument makes targeted updates to the existing assimilated CITES legislation by simplifying requirements for low-risk and captive-bred specimens and strengthening monitoring and enforcement where gaps were identified. These changes maintain a risk-based approach while reducing administrative burdens. The previous system included outdated or duplicative requirements that limited efficiency and did not fully support a modern, risk-based national framework.

[4] Criminal sanctions for breaches of Articles 16(1)(c), (g), (j), (k) and (l) of the Principal Regulation (338/97) are in Schedule 1 of COTES 2018.

[5] Criminal sanctions for a breach of Article 16(1)(a) are in sections 170 (imports) and 68 (exports) of the Customs and Excise Management Act 1979.

[6] Commission Implementing Regulation (EU) 2019/1587 of 24 September 2019 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. Legislative and Legal Context

How has the law changed?

6.1 Following the UK's departure from the EU and the end of the Transition Period, EU legislation implementing CITES in the UK became assimilated law, with amendments made by:

- The Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (S.I. 2020/1395)
- The Trade in Endangered Species of Wild Fauna and Flora (Commission Regulation (EC) No 865/2006 (Amendment) Regulations 2020 (S.I. 2020/1668)
- The Trade in Endangered Species of Wild Fauna and Flora (Council Regulation (EC) No 338/97) (Amendment) Regulations 2021 (S.I. 2021/54)
- The Trade in Endangered Species of Wild Fauna and Flora (Council Regulation (EC) No 338/97) (Amendment) (No. 2) Regulations 2021 (S.I. 2021/645)
- The Trade in Endangered Species of Wild Fauna and Flora (Council Regulation (EC) No 338/97) (Amendment) Regulations 2023 (S.I. 2023/106)
- The Trade In Endangered Species of Wild Fauna and Flora (Council Regulation (EC) No 338/97) (Amendment) Regulations 2024 (S.I. 2024/1093)
- The Trade In Endangered Species of Wild Fauna and Flora (Council Regulation (EC) No 338/97) (Amendment) Regulations 2026 (S.I. 2026/132)

6.2 These Regulations are made under the powers conferred by sections 14(1), 14(2), 14(3), 14(4)(a), (b) and (d) and 20(1)(a) of the Retained EU Law (Revocation and Reform) Act 2023. These powers enable Ministers to revoke and replace assimilated law without increasing regulatory burdens, and to make such regulations by statutory instrument.

6.3 This instrument amends assimilated law versions of:

- Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein
- 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 Control of Trade in Endangered Species Regulations 2018 (S.I. 2018/703)
- 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 and amending Commission Regulation (EC) No 865/2006

6.4 This instrument also revokes assimilated Commission Implementing Regulation (EU) 2019/1587 of 24 September 2019 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.

6.5 The instrument revokes and replaces elements of assimilated law to give effect to the Government's reforms of the domestic CITES regime, ensuring that the resulting framework is proportionate, reduces unnecessary administrative burdens on regulated

parties, and maintains compliance with the UK's obligations under the CITES Convention.

Why was this approach taken to change the law?

6.6 This is the only possible approach to make the necessary legislative changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 UK CITES authorities engage regularly with businesses and environmental organisations through dedicated user groups. As part of this engagement, Defra sought early suggestions to inform the CITES reform proposals ahead of public consultation.

7.2 Defra held a six-week public consultation on proposed reforms to the UK's CITES implementing framework from 11 September to 23 October 2025. The government response was published on 9 February 2026[7].

7.3 A total of 141 responses were received: 54% from individuals and 46% from organisations across a wide range of CITES-related sectors.

7.4 Respondents supported clearer, simpler, risk-based processes. Businesses favoured flexibility, while non-governmental organisations and enforcement bodies stressed strong oversight. Respondents also highlighted the system's complexity and administrative burden. Some warned that certain proposals could reduce traceability or weaken welfare and conservation safeguards.

7.5 We have informed the Devolved Administrations of these amendments, although CITES is reserved.

8. Applicable Guidance

8.1 The proposed amendments introduce changes to existing processes, and associated guidance[8] will be updated as the measures are brought into effect. As not all measures will be implemented simultaneously, updates to guidance will be issued in stages. Internal procedures for CITES management, scientific and enforcement authorities will be updated in parallel, following existing and established processes. Industry representatives will be informed of these amendments and the corresponding guidance updates through regular CITES engagement meetings and written updates.

8.2 Statutory guidance explaining how the additional civil sanctions will operate will be published prior to their use. The guidance will set out the evidential threshold (balance of probabilities), how sanctions and monetary penalties are determined, the use of compliance and restoration notices and enforcement undertakings, and the processes for representations, appeals, and follow-up. It will also explain the decision-making process for determining whether a case should be pursued through civil sanctions or criminal prosecution where the circumstances allow for either route, including the factors APHA will consider when deciding the most appropriate and proportionate enforcement response. APHA will also issue plain-English public guidance outlining behaviours that may lead to sanctions, how to remain compliant with CITES controls, and what to expect if a sanction is imposed.

[7] https://www.gov.uk/government/consultations/reforming-domestic-cites-implementation/outcome/summary-of-responses-and-government-response

[8] https://www.gov.uk/guidance/cites-imports-and-exports

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A De Minimis Assessment is submitted with this memorandum and published alongside the Explanatory Memorandum on the legislation.gov.uk website.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business is estimated to be a net positive £2.3m over a 10-year appraisal period, an equivalent annualised benefit of £0.27m per year. There is no significant expected impact on charities or voluntary bodies because the legislative changes primarily relate to commercial regulations.

9.3 The legislation does impact small or micro businesses.

9.4 Small and micro businesses (employing up to 50 people) could not be exempt from the requirements because such businesses comprise between 70-90% of firms trading in CITES-listed species. Exemption for small and micro businesses would therefore significantly undermine policy aims. To minimise the impact of the requirements on small or micro businesses, bespoke guidance will be issued along with communications with industry to explain the changes and their impact on businesses.

9.5 The impact on the public sector is estimated to be a net positive £0.35m over a 10-year appraisal period, arising due to administrative savings.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is that a periodic review is carried out administratively, ensuring the regime is regularly assessed. This approach reflects the complexity of CITES controls and the frequent updates agreed at each triennial CITES Conference of the Parties.

10.2 As this instrument is only made under the relevant European Union Acts (as defined at 13.1), no post implementation review clause is required.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None

12. European Convention on Human Rights

12.1 Mary Creagh CBE MP, Parliamentary Under-Secretary of State, has made the following statement regarding Human Rights:

"In my view the provisions of The Control of Trade in Endangered Species (Amendment and Revocation) Regulations 2026 are compatible with the Convention rights."

13. The Relevant European Union Acts

13.1 This instrument is made, under section sections 14(1), (2), (3) and (4) and 20 (1)(b) of the Retained EU Law (Revocation and Reform) Act 2023 and therefore relates to the reform of assimilated law.

13.2 It applies to amendments to assimilated law versions listed in paragraphs 6.3 and 6.4.

SUPPLEMENTARY INFORMATION TO EXPLANATORY MEMORANDUM

Sequential summary of the provisions introduced by The Control of Trade in Endangered Species (Amendment and Revocation) Regulations 2026

This supplementary information provides a sequential overview of each legal provision in the SI, accompanied by references to the corresponding explanations in the main body of the Explanatory Memorandum.

Regulation 2 in Part 2 of the S.I. makes amendments to the following Articles in Council Regulation (EC) No 338/97:

Article 2(d) (definition of 'import notification') to allow for prior notification for the import into Great Britain of Annex C and D specimens, widen the scope of import notifications to include exempted specimens of species in Annex B (see new derogation in Article 7.(5)) and replace the term 'on a form' with 'in a format (EM 5.5.1).

Article 3 (scope) 5a.-c. to make explicit provision for how species subject to a CITES reservation are to be treated in Great Britain (EM 5.6.2).

Article 4 (introduction into Great Britain) 5a. to specify that specimens imported into Great Britain under the new derogation in Article 7(5) are subject to border checks and an import notification; 5b. and 5c. to require specimens of species listed in Annexes A, B, or C imported from a country with a reservation or a non-party to the Convention to undergo the necessary checks and present documents that conform to the import requirements set out in the Convention at the border; 6. to specify that the Secretary of State to must establish, publish and maintain a list of specimens of species prohibited from being imported (EM 5.5.1, 5.6.2 , 5.7.3).

Article 5 (export or re-export from Great Britain) to omit an erroneous reference to Annex I of the Convention (EM 5.7.5).

Article 7 (derogations) 5. to introduce a new derogation allowing the Secretary of State to waive the import permit requirement for specimens of species listed in Annex B of the Regulation in certain circumstances (EM 5.5.1).

Article 8 (provisions relating to the control of commercial activities) is redrafted to improve clarity (EM 5.5.2).

Article 10 (certificates to be issued) is redrafted to include consideration of additional measures in the permit issue process (EM 5.6.1).

Article 11 (validity of and special conditions for permits and certificates) 2a.-c. to re-insert provisions previously erroneously deleted relating to the invalidity of permits issued under false pretences and for the management authority to seize and dispose of uncertified specimens upon entry into Great Britain (EM 5.7.4).

Article 12 (places of introduction and export) 4. to give the management authority the discretion to temporarily authorise a customs office to allow the non-commercial movement of specimens into and out of Great Britain in exceptional circumstances, subject to conditions (EM 5.7.1).

Regulation 3 in Part 2 of the SI makes amendments to the following Articles in 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:

Article 1 (references to importation) 1b. to allow forms to be submitted to the management authority in either electronic or paper format or both (EM 5.7.6).

Article 8 (issue and use of documents) 1. to allow the management authority to issue certificates and permits in electronic or paper format or both (EM 5.7.6).

Article 10 (validity of import and export permits) 3b. to define the validity period of an Article 60 certificate as up to five years and makes provision for existing Article 60 certificates to be re-issued prior to the expiry of its validity for a period of no more than five years. 3c. to specify that undated Article 60 certificates issued prior to the coming into force of the regulations to be valid a period of five years (i.e. 22nd June 2031). 4 to confirm that Article 60 certificates are void after expiry (EM 5.7.2).

Article 11 (validity of used import permits and certificates) 3. to clarify validity requirements for certificates under Article 48 and Article 63 of this Regulation (EM 5.5.2).

Article 19 (simplified procedures with regard to export or re-export of specimens) 1. and 2. to extend the scope of pre-issued permits to include imports of live specimens of Annex B and C species (EM 5.5.4).

Article 24 (documents to be surrendered by the importer to the customs office) 3. to give customs offices the authority to temporarily hold specimens notified under the import permit exemption introduced in Article 7(1)(c) of (EC) No 338/97 for export document checks (EM 5.5.1).

Article 32 (issuing authority) 2. to list conditions for accepting a travelling-exhibition certificate (TEC) from a third country, which if met, removes the requirement for the management authority to issue an equivalent certificate (EM 5.5.5).

Article 34 (applications) 1. to clarify application rules for travelling-exhibition certificates for owners and applicants applying on behalf of owners (EM 5.5.5).

Article 45(a) is deleted because provisions relating to temporary authorisation are no longer relevant (EM 5.7.1).

Article 48(3) (certificate provided for in Article 8(3) of Regulation (EC) No 338/97 (certificate for commercial use)) 1. to introduce a new provision that allows an export or re-export permit to count as a commercial-use certificate if the holder's copy confirms the specimens are exempt from Article 8(1) prohibitions in Council Regulation (EC) 338/97 (EM 5.5.2).

Article 57 (introduction and reintroduction into Great Britain of personal and household effects) 1. to introduce a provision that excludes imported specimens subject to additional measures from the personal and household effects derogation in Article 7(3) of Council Regulation (EC) 338/97 (EM 6.5.1).

Article 58 (export and re-export from Great Britain of personal and household effects) 1. to introduce a provision that excludes (re-)exported specimens subject to additional measures from the personal and household effects derogation in Article 7(3) of Council Regulation (EC) No 338/97 (EM 5.6.1).

Article 60 (derogation from Article 8(1) of Regulation (EC) No 338/97 for the benefit of scientific institutions) to remove a duplicate text reference to 'scientific authority' and include the exchange and loan of specimens between institutions in scope of Article 60 certificates (EM 5.7.5).

Article 66 (8) (marking methods) 8a. and 8b. to require the close ringed marking format to follow a standardised format published by the management authority (EM 5.6.3).

Annex X (animal species referred to in article 62(1)) to list three species of tortoises in the Annex (EM 5.5.3).

Regulation 4 in Part 2 of the SI makes amendments to the following Annexes in Commission Implementing Regulation (EU) No 792/2012 of 23 August 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 and amending Commission Regulation (EC) No 865/2006. Amendments to import notification forms include the option to apply for an import notification for Annex B specimens of species which are exempt from the requirements of Article 4(2) of Regulation (EC) 338/97.

Annex 2 form 1 and 2 (import notification) to refer to specimens in scope of the derogation for Annex B specimens introduced in Article 7(5) of Regulation (EC) No 338/97 and newly subject to an import notification (EM 5.7.5).

Annex 3 form 1, 2 and 3 (travelling-exhibition certificate) to reflect changes introduced in Articles 32 and 34 of Regulation (EC) No 865/2006 (EM 5.7.5).

Regulation 5 in Part 3 of the SI makes amendments to Schedule 2 to the Control of Trade in Endangered Species 2018 (COTES)

Schedule 2 (civil sanctions) to apply civil sanctions to six additional criminal offences listed in COTES 2018 and Customs and Excise Management Act 1979 (EM 5.6.4).

Regulation 6 in Part 4 of the SI revokes Commission Implementing Regulation (EU) 2019/1587 of 24 September 2019 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 effect of this is to remove lists of specimens of species which are subject to an import restriction from regulations and replace with a published list (EM 5.7.3).