STATUTORY INSTRUMENTS

2020 No. 1668

WILDLIFE

The Trade in Endangered Species of Wild Fauna and Flora (Commission Regulation (EC) No 865/2006) (Amendment) Regulations 2020

Made - - - - 11.02 p.m. on 31st December 2020

Coming into force at 11.30 p.m. on 31st December 2020

Laid before Parliament 4th January 2021

The Secretary of State makes these Regulations in exercise of the powers conferred by Articles 12(4) and 18(3) of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein(**a**).

Citation and commencement

1. These Regulations may be cited as the Trade in Endangered Species of Wild Fauna and Flora (Commission Regulation (EC) No 865/2006) (Amendment) Regulations 2020 and come into force at 11.30 p.m. on 31st December 2020.

Amendment of Commission Regulation (EC) No 865/2006

2. Before Chapter 10 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(**b**), insert—

"CHAPTER 9A

NON-DESIGNATED CUSTOMS OFFICES

Article 45a

Introduction, export or re-export through a non-designated customs office

1. For the purpose of Article 12(4) of Regulation (EC) No 338/97, the criteria are set out in paragraphs 2 and 3.

2. The first criterion is that the relevant person did not know—

(a) that the relevant person was required to use a customs office for carrying out the checks and formalities which is designated in accordance with Article 12(1) of Regulation (EC) No 338/97, or

(**a**) EUR 1997/338, as amended by S.I. 2020/1395.
(**b**) EUR 2006/865, as amended by S.I. 2020/1395.

(b) that the customs office used by the relevant person for carrying out the checks and formalities is not designated in accordance with Article 12(1) of Regulation (EC) No 338/97.

3. The second criterion is that the relevant person has not previously used a customs office for carrying out the checks and formalities which was the subject of an authorisation under Article 12(4) of Regulation (EC) No 338/97 in relation to that relevant person.

4. In this Article, "the relevant person" means—

(a) the importer,

(b) the (re-)exporter, or

(c) the authorised representative of the importer or the (re-)exporter.

Article 45b

Treatment of references to customs offices

Where authorisation is given under Article 12(4) of Regulation (EC) No 338/97—

(a) references in Articles 22, 23, 24, and 25 of this Regulation to a border customs office at the point of introduction are to be treated as references to the border customs office at the point of introduction which is the subject of such authorisation;

(b) references in Articles 27, 28, 35, 42, 44f, 44m, and 53 of this Regulation to a customs office are to be treated as references to the customs office which is the subject of such authorisation.".

Victoria Prentis
Parliamentary Under Secretary of State
Department for Environment, Food and Rural Affairs

11.02 p.m. on 31st December 2020

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the retained EU law version 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.

The retained EU law version of Article 12(4) of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein provides for the management authority to authorise the introduction, export or re-export of specimens of endangered species through a customs office which has not been designated under Article 12(1). The authorisation must be in accordance with criteria set out by the Secretary of State in regulations.

Regulation 2 inserts a provision into the retained EU law version of Commission Regulation (EC) No 865/2006, setting out these criteria. It also inserts a provision so that a reference to a designated customs office is treated as a reference to the non-designated customs office which is the subject of the authorisation under Article 12(4).

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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