EXPLANATORY MEMORANDUM TO

THE TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (COUNCIL REGULATION (EC) NO 338/97) (AMENDMENT) REGULATIONS 2026

2026 No. 132

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 Kris Blake 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 assimilated Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein ("Regulation 338/97"). Regulation 338/97 implements the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES") in relation to Great Britain including through controls on import and export of species listed in the Annex. Those controls vary according to the part of the Annex in which the species are listed (i.e. Annex A, Annex B, Annex C or Annex D which are contained within the Annex).

4.2 The purpose of the instrument is to update the species listed within the Annex of Regulation 338/97 to implement listings and nomenclature amendments agreed at the 20th meeting of the CITES Conference of Parties ("CoP20") which concluded on 5 December 2025, and which come into force on 6 March 2026. It also includes housekeeping amendments to incorporate taxonomic changes, update nomenclature and correct errors such as spelling mistakes since CoP18, amendments to Annex C following submissions made by other contracting Parties to include species on, and withdraw species from, Appendix III of CITES, and amendments to Annex D to align with amendments made by the European Commission. This will enable the UK CITES Management Authority to implement appropriate controls and issue the necessary CITES documents for these species.

Where does the legislation extend to, and apply?

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

4.4 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 practical application in Northern Ireland in relation to import or (re-)export to or from Great Britain.

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 international trade (effectively cross-border movements) through a system of documents, including import and export permits. The Appendices to CITES list endangered species, and the Convention regulates international trade in specimens of these species to conserve them.

5.2 The UK plays a leading role in international efforts to address threats to endangered species and CITES is a key part of our approach to this work.

5.3 CITES Appendices I and II (approximately equivalent to UK Annexes A and B) are amended by the Conference of the Parties to CITES at its triennial meetings. The most recent Conference (CoP20) concluded on 5 December 2025 and the species included in this instrument for amendment on Annexes A and B are the decisions of CoP20 (summarised in Notification 2026/005) or consequential amendments to Annex C. Housekeeping amendments are also included in this instrument to incorporate taxonomic changes, update nomenclature and correct errors such as spelling mistakes since CoP18.

5.4 CITES Parties can also submit amendments to Appendix III (Annex C) for their own populations of species at any time to seek international assistance on regulating species of domestic conservation concern. Once notified to other Parties those amendments take effect within 90 days. Other Parties can also make reservations after the notification. A number of these amendments which were notified under Notifications 2025/002 and 2025/109 are included in this instrument as well (amendments to Annex C).

5.5 This instrument also includes several amendments to Annex D, mainly to remove species that are rarely or never seen in trade in the UK and therefore do not need to be included on Annex D. These amendments would also align Annex D with amendments made by the European Commission to EU Regulation 338/97.

5.6 The amendments to Annexes A, B, C and D will enable the UK CITES Management Authority to implement appropriate controls and issue the necessary CITES documents for these species.

5.7 When the listings amendments come into force, the included species will have greater or lesser protection within international trade.

5.8 Under the Windsor Framework, EU legislation implementing CITES will still operate in Northern Ireland, including EU Regulation 338/97. The European Commission makes corresponding amendments to that EU Regulation.

What was the previous policy, how is this different?

5.9 This instrument is not changing the UK CITES regulatory framework, but rather amending the species in scope of these controls for their import, export, re-export and domestic commercial use in line with negotiated outcomes from CoP20. The animal and plant species covered by UK CITES controls are listed on four Annexes according to the level of protection they receive (species listed on Annex A have the highest level of protection). Species may be added or removed from the Annexes or moved between them, depending on the level of protection required.

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 became assimilated law, with amendments made by the Environment and Wildlife (Miscellaneous Amendments etc.) (EU Exit) Regulations 2020 (SI 2020/1395), the Trade in Endangered Species of Wild Fauna and Flora (Commission Regulation (EC) No 865/2006) (Amendment) Regulations 2020 (SI 2020/1668), the Trade in Endangered Species of Wild Fauna and Flora (Council Regulation (EC) No 338/97) (Amendment) Regulations 2021 (SI 2021/54), the Trade in Endangered Species of Wild Fauna and Flora (Council Regulation (EC) No 338/97) (Amendment) (No. 2) Regulations 2021 (SI 2021/645), the Trade in Endangered Species of Wild Fauna and Flora (Council Regulation (EC) No 338/97) (Amendment) Regulations 2023 (SI 2023/106), and the Trade in Endangered Species of Wild Fauna and Flora (Council Regulation (EC) No 338/97) (Amendment) Regulations 2024 (SI 2024/1093).

6.2 Articles 18 and 19(5) of the assimilated Regulation 338/97 give the Secretary of State powers to amend the list of species in the Annex to that Regulation.

6.3 This instrument implements the additions/amendments made to the species listed in the three CITES Appendices following the decisions made at the 20th meeting of the CITES Conference of Parties (CoP20), by making corresponding amendments to Annexes A, B and C to assimilated Regulation 338/97. Amendments to those Appendices will come into force and become legally binding on Parties on 6 March 2026, save for those Parties that make reservations. This instrument also makes amendments to Annex C in accordance with notifications by other contracting Parties and amendments to Annex D to ensure it is better targeted to species in trade in the UK and aligns with EU Regulations. Updating the Annex will enable the UK to implement obligations under CITES in relation to amended or newly listed species.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes using existing powers.

7. Consultation

Summary of consultation outcome and methodology

7.1 No formal consultation has taken place for the amendments to the Annex of Regulation 338/97, although species listing proposals were discussed with interested stakeholders ahead of COP20, and the scientific authorities have been consulted in accordance with Article 19(5) of Regulation 338/97.

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

8. Applicable Guidance

8.1 No new guidance will be produced, however online resources[1] will be updated where necessary and industry notified of these amendments.

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument because no significant impact on the private, voluntary or public sector is foreseen.

Impact on businesses, charities and voluntary bodies

9.2 The impact on business, charities or voluntary bodies is variable. Traders of the species amended or newly listed would need to comply with CITES controls for the additional species being added by this instrument, including obtaining a relevant permit or certificate. Traders can obtain CITES documents from the Animal and Plant Health Agency.

9.3 The legislation does impact small or micro businesses.

9.4 No specific action is proposed to minimise regulatory burdens on small or micro businesses. Ensuring compliance with our international obligations under CITES precludes any exemption from the requirements of regulation. We have already informed the industry of these amendments, and we will use our existing channels to communicate when the changes come into force and support sectors to compliance with the changes to the Annexes.

9.5 The impact on the public sector is expected to be negligible. The Animal and Plant Health Agency may need to issue additional permits. A partial cost recovery model is in operation for CITES documents.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 The approach to monitoring this legislation is through the use of existing monitoring of CITES permits and certificates applied for and issued in the UK to understand the implications of these amendments.

10.2 The instrument does not include a statutory review clause.

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

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 As the instrument is subject to negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 ("relevant European Union Acts").