

No. 82/1997 S.B.

DECREE

of the Ministry of the Environment

dated April 2, 1997

implementing some of the provisions of the Act No. 16/1997 S.B., on conditions for importing and exporting endangered species of wild fauna and flora and other measures for protection of these species and on amendment of Czech National Council Act No. 114/1992 S.B., on protection of nature and the landscape, in the wording of later regulations

The Ministry of the Environment hereby establishes the following Decree pursuant to § 2 par. 2, § 4 par. 1 letter a), § 17 par. 3, § 19 par. 2, § 20 par. 1, § 21 par. 3, § 23 par. 1 letter c), par. 2, 5 and 7 of the Act No. 16/1997 S.B., on conditions for importing and exporting endangered species of wild fauna and flora and other measures for protection of these species and on amendment of Czech National Council Act No. 114/1992 S.B., on protection of nature and the landscape, in the wording of later regulations (hereinafter the "Act"):

§ 1

**The list of endangered species of wild fauna and flora
protected by the International Convention ¹⁾
which are subject to the jurisdiction of the Act
(ad § 2 par. 2 of the Act)**

(1) The lists of endangered species of wild fauna and flora protected by the International Convention ¹⁾ (hereinafter "species") form three groups which are contained in Annexes Nos. 1 to 3 of the Decree.

(2) Annex No. 1 contains a list of species directly endangered by extinction that are or could be in immediate danger to their existence through import or export [§ 2 par. 1 letter a) of the Act].

(3) Annex No. 2 contains a list of
a) species that require protection by regulation of import and export to avoid the danger of their extinction,
b) other species that must be protected for the purposes of protection of other endangered species
[§ 2 par. 1 letter b) of the Act].

(4) Annex No. 3 contains a list of species established on the basis of proposals of a state that is a member of the International Convention ¹⁾ [§ 2 par. 1 letter c) of the Act].

§ 2

**The scientific authority
[ad § 4 par. 1 letter a) of the Act]**

(1) A juridical person fulfilling the following criteria may be chosen as the scientific authority:
a) who employs the required number of persons with university education who are professionally qualified in the field of nature protection with specialisation in species protection of animals and plants of a global nature,
b) who is capable of carrying out activities set forth in the following paragraphs and of participating in international co-operation in this area.

(2) The scientific authority
a) shall assess whether the import or export of a specimen does not endanger the survival of an endangered species [§ 6 par. 2, § 10 par. 2 letter a) and § 14 par. 1 letter a) of the Act],
b) shall issue an opinion on the designation of a rescue centre [§ 3 letter h) of the Act] and shall co-ordinate the activities of such rescue centres.
c) shall issue an opinion on the sale of a specimens for rescue breeding program or for scientific or educational purposes pursuant to § 8 letter e) of the Act,
d) shall issue an opinion on an application for export of a particularly protected species (§ 12 of the Act),
e) shall issue an opinion on whether the recipient of a live specimen is sufficiently equipped for placing such specimen and taking care of it [§ 14 par. 1 letter b) of the Act],
f) shall issue an opinion on the purpose of import of a specimen from a non-convention state pursuant to § 15 par. 2 of the Act,
g) shall issue an opinion on the export of a specimen to a non-convention state pursuant to § 16 par. 2 of the Act,
h) on the basis of a request from the Ministry of the Environment (hereinafter the "Ministry"), shall express an

opinion on the import or export of a specimen of an animal species bred in captivity or a specimen of an artificially propagated plant species [§ 9 and § 17 par. 1 letter c) of the Act], especially in respect of compliance with conditions pursuant to § 3 letter f) of the Act,

- i) shall issue an opinion on a request from scientists or scientific institutions for a simplified procedure pursuant to § 17 par. 1 letter d) of the Act and pursuant to § 3 of the Decree,
- j) shall issue an opinion on import or export of a specimen in the framework of a rescue program pursuant to § 17 par. 1 letter e) of the Act.
- k) on the basis of a request from the relevant state administrative authority, shall issue an opinion on registration of specimens pursuant to § 23 par. 3 of the Act,
- l) on the basis of a request from the relevant state administrative authority, shall issue an opinion on the placing of a confiscated specimen in a rescue centre pursuant to § 27 par 5 of the Act,
- m) within the limits of its function as the scientific authority pursuant to the International Convention ¹⁾, shall issue professional standpoints or shall carry out other tasks in co-operation with the Ministry and shall provide further professional assistance on the basis of a request from state administrative authorities,
- n) shall collect professional information on endangered species of fauna and flora,
- o) shall cooperate with the scientific authorities of member countries of the International Convention ¹⁾ and other organisations of global nature protection,
- p) in co-operation with the Ministry, shall continuously monitor the permitted export and import of specimens and shall propose measures for the protection of species,
- r) in co-operation with the state administrative authorities pursuant to § 4 par. 1 of the Act, shall collect and evaluate information on illegal trade in endangered species of fauna and flora and shall prepare recommendations on means for combating such illegal trade.

§ 3
Simplified proceedings
(ad § 17 par. 3 of the Act)

(1) An application for registration in the sense of § 17 par. 1 letter d) of the Act shall be submitted by a scientist or scientific institution in writing to the Ministry. The application shall contain:

- a) the name of a juridical person, the official address and the Business Identification Number or the name of a natural person, birth certificate number and address or employer's address,
- b) the address of at least one inland scientific institution or company with whom the applicant co-operates on scientific matters, with enclosure of a written recommendation,
- c) a brief description of scientific activities connected with the exchange of collection specimens with a foreign counterpart,
- d) information on the species of specimens that will be exported and imported, the frequency thereof and the expected number thereof,
- e) information on the scientists and scientific institutions abroad and the countries with which the exchange of collection specimens will be carried out.

(2) Details of CITES permits or labels which are part of the license pursuant to § 17 par. 1 and 2 of the Act are given in § 5.

§ 4
Registration card
(ad § 19 par. 2 of the Act)

A sample of the registration card, which is used to register an applicant for export or import of specimens, is given in Annex No. 4.

§ 5
CITES permits
(ad § 20 par. 1 of the Act)

(1) A license for the purpose of export or import of specimens issued by the Ministry pursuant to the Act shall contain, as an integral part, a CITES permit issued on a standard form. A sample form of a CITES permit is given in Annex No. 5.

(2) A CITES permit shall be issued in four copies. The original permit is white in colour. Copy No. 1 (blue) is designed as a document for the holder of the permit for export or import. Copy No. 2 (pink) shall be returned to the Ministry by the Customs authorities after export of the specimen from the Czech Republic. Copy No. 3 (yellow) shall remain with the Ministry for control and archive purposes.

(3) Box No. 6 in the CITES permit (address at which live animals will be kept after import) shall be completed for import of live specimens of species from Annex No. 1 of the Decree. In this case, the address of the recipient shall be given, with conformation that the recipient of the specimen is suitably equipped for housing such a specimen and taking care of it [§ 14 par. 1 letter b) of the Act].

(4) One CITES permit is usually completed for up to three species, denoted A, B and C.

(5) In justifiable cases a CITES permit may be issued for more than three species. In such a case, an integral part of the CITES permit shall be a special annex with a list of the species and specimens with the same information as in boxes Nos. 9 to 18. The number of pages in the Annex shall be given in the original of the CITES permit and each page of the annex shall be stamped with the round stamp of the Ministry and signed by the official person as in box No. 19 of the original permit.

(6) The number of individual specimens shall be given in boxes 11 and 12. If the nature of the specimen is such that it is not possible to exactly specify this number, then the weight in kg shall be preferably given.

(7) The country of origin shall be given in boxes Nos. 13 and 14 (the country where the specimen was born, was propagated or was taken from the wild) and, in case of re-export, the number of the permit pursuant to the International Convention ¹⁾ of the country of origin and, where pertinent, also the country and number of the permit if the specimen was imported from a country other than the country of origin.

(8) In box No. 15 shall be given the number of the appendix to the International Convention ¹⁾ where the species is listed (I, II or III - see also § 1 par. 1 of the Decree). A particularly protected species pursuant to Czech National Council Act No. 114/1992 S.B. on protection of nature and the landscape, in the wording of later regulations, shall have this fact designated in box No. 15 by the words "Act 114/92".

(9) The following abbreviations shall be used for the origin of the specimen in box No. 16:
W = a specimen taken from the wild, C = an animal bred in captivity (generation F₂ or higher), F = an animal born in captivity from parents from the wild (generation F₁), R = an animal from controlled breeding in nature (game preserves, etc.), A = a plant artificially propagated by man, D = specimen of a species of Annex No. 1 bred in captivity or propagated for commercial purposes, governed by the provisions of § 9 of the Act, i = specimen confiscated (seized) by the state, U = unknown origin (must be specified in greater detail in box No. 9).

(10) Box No. 17 shall contain the scientific (Latin) name of the species and, where possible, also the name in Czech and in English, Spanish or French.

(11) Only the original of the CITES permit shall be stamped in Box No. 19 with the round stamp of the Ministry

(12) The safety stamp issued by the Secretariat of the International Convention ¹⁾ shall be affixed in box No. 19 of a permit for export or re-export. The safety stamp must be stamped with the round stamp of the Ministry and signed by an official person. A safety stamp is not affixed to import permits.

(13) The following abbreviations shall be used to describe the purpose of the transaction in box No. 19: T = commercial, Z = zoological gardens, G = botanical gardens, Q = circuses, travelling menageries or touring exhibitions, H = hunting trophies killed by permit holders, P = a specimen of a personal or household character. E = education and edification, N = introduction and re-introduction to nature, B = rescue breeding in captivity or propagation. O = other.

(14) Box No. 20 is used for the notes and confirmation of the Customs authorities (§ 22 par. 3 of the Act).

(15) A sample label in the sense of § 20 par 1 of the Act is given in Annex No. 6.

§ 6

Sample confirmation of permitted import and registration document (confirmation of registration) (ad § 21, par. 3 and § 23 par. 7 of the Act)

(1) The form of the confirmation of permitted import is given in Annex No. 7.

(2) The form of confirmation pursuant to paragraph 1 shall also serve as the form of the registration document.

§ 7

List of further species where live specimens are not subject to the obligation of registration

[ad § 23 par. 1 letter c) of the Act]

A list of further species, the live specimens of which are not subject to the obligation of registration, is given in Annex No. 8.

§ 8

List of species where dead specimens are subject to the obligation of registration

(ad § 23 par. 2 of the Act)

A list of species where dead specimens, including body parts and products made from such animals or plants pursuant to § 3 letter a) of the Act, that are subject to the obligation of registration, is given in Annex No. 9.

§ 9

Setting down the species subject to the obligation of marking and establishing the manner of marking

(§ 23 par. 5 of the Act)

(1) The obligation to mark live specimens pursuant to § 23 par. 5 of the Act (hereinafter "unambiguous marking") is valid for all mammals (Mammalia), birds (Aves), reptiles (Reptilia), amphibians (Amphibia) and fish (Pisces) that are subject to the obligation of registration (§ 23 of the Act).

(2) The obligation of unambiguous marking is not valid for

- a) the young of mammals at the age of nursing, however, maximally two months of age,
- b) the eggs and the young of birds, provided that they remain in the nest or in the care of their parents, however maximally two months of age,
- c) the eggs, fish-eggs, spawn and young of invertebrates, reptiles, amphibians and fish, however maximally to one month of age.

(3) Unambiguous marking shall be carried out by at least one of the following methods:

- a) by an irremovable ring, i.e. a ring that cannot be removed without damaging the ring or the marked animal, placed on the leg, or some other irremovable mark placed in a considerate manner on the body of the animal; an identification number consisting of the letters CZ and a serial number assigned by the Ministry shall be stamped on the ring or mark,
- b) by an irremovable ring or mark pursuant to letter a), but with a different number for an animal marked prior to the validity of the Act or prior to import into the Czech Republic; in case of suspicion of duplicity or the possibility of misusing of the registration number, the specimen must be re-marked by another method pursuant to this paragraph in such a manner that the marking is credible,
- c) by an injection transponder (microchip) for electronic identification of animals by the TrovanTM system or similar system pursuant to international standards,²⁾ which shall be implanted in the prescribed manner by a veterinary surgeon; the permanency of the introduced transponder shall be tested by controlling at least seven days after marking; implanting of a transponder together with the identification number shall be confirmed in writing by the veterinary surgeon,
- d) by some other unambiguous marking or at least a description of the individual distinguishing characteristics of the specimen where marking pursuant to letter a), b) or c) could, on the basis of a confirmation by a veterinary surgeon, cause permanent harm to the health of the animal or would not be suitable or feasible. If the impossibility of labelling is temporary, then this fact shall be given in the confirmation by the veterinary surgeon.

§ 10

Legal force

This Decree comes into legal force on the date of promulgation. *)

The Minister:

Ing. Skalický (written in his own hand)

1) Communication of the Federal Ministry of Foreign Affairs No. 572/1991 S.B. on accession to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, (so called CITES).

2) International Standards ISO 3166: 1993, ISO 11784 and ISO 11785.

*) April 21, 1997 [remark by the editor of the English translation].

- Annex No. 1 to Decree No. 82/1997 S.B.

The list of endangered species of wild fauna and flora that are subject to the jurisdiction of § 2 par. 1 letter a) of the Act and that are included in Annex No. 1

[the list corresponds to the Appendix I of the CITES; see the original Czech version of the Decree]

- Annex No. 2 to Decree No. 82/1997 S.B.

The list of endangered species of wild fauna and flora that are subject to the jurisdiction of § 2 par. 1 letter b) of the Act and that are included in Annex No. 2

[the list corresponds to the Appendix II of the CITES; see the original Czech version of the Decree]

- Annex No. 3 to Decree No. 82/1997 S.B.

The list of endangered species of wild fauna and flora that are subject to the jurisdiction of § 2 par. 1 letter c) of the Act and that are included in Annex No. 3

[the list corresponds to the Appendix III of the CITES; see the original Czech version of the Decree]

- Annex No. 4 to Decree No. 82/1997 S.B.

Registration card of breeders, growers and applicants for permits for export or import of protected fauna and flora (CITES)

[see the original Czech version of the Decree]

- Annex No. 5 to Decree No. 82/1997 S.B.

Sample of the form for the CITES Permit

[see the original Czech version of the Decree]

- Annex No. 6 to Decree No. 82/1997 S.B.

Sample of the label in the sense of § 20 par. 1 of the Act

[see the original Czech version of the Decree]

- Annex No. 7 to Decree No. 82/1997 S.B.

Sample of confirmation of permitted import and registration document

[see the original Czech version of the Decree]

- Annex No. 8 to Decree No. 82/1997 S.B.

List of further species of which live specimens are not subject to the obligation of registration (§ 23 par. 1 letter c) of the Act)

The obligation of registration pursuant to § 23 par. 1 letter c) of the Act is not valid for

a) live specimens bred in captivity of the following species of mammals:

[see the original Czech version of the Decree]

b) live specimens bred in captivity of the following species of birds:

[see the original Czech version of the Decree]

c) live specimens bred in captivity of the following species of reptiles:

[see the original Czech version of the Decree]

d) live specimens bred in captivity of the following species of amphibians:

[see the original Czech version of the Decree]

e) live specimens of all species of fish (Pisces spp.), provided that they were imported into the Czech Republic prior to May 28, 1992, or after this date with a permit from the Ministry of the Environment, and the descendants of such specimens,

f) live specimens of invertebrate animals (systematic groups other than Chordata), provided that these are not species pursuant to Annex No. 1 of this Decree,

g) all plant specimens propagated by man in cultures.

- Annex No. 9 to Decree No. 82/1997 S.B.

List of species where dead specimens are subject to the obligation of registration (§ 23 par. 2 of the Act)

The obligation of registration pursuant to § 23 par. 2 of the Act is valid for

1. all non living prepared animals, their furs, fur products and skins with the exception of products obtained in a legal manner prior to May 28, 1992, dead bodies or parts thereof, birds' eggs and the shells of birds' eggs of species set forth in § 2 par. 1 letter a) of the Act (Annex No. 1 to this Decree) with the exception of the following species:

[see the original Czech version of the Decree]

and with the exception of catalogued collection items in museums, the workplaces of the Academy of Science of the Czech Republic and universities and publicly accessible school collections, provided that such items were parts of such collections prior to May 28, 1992 or were obtained for these collections from dead, originally live specimens registered pursuant to § 23 par. 1 letter a) of the Act,

2. tusks and unprocessed ivory from the species *Elephas maximus* (Indian elephant) and *Loxodonta africana* (African elephant), and also any products made from ivory with the exception of items and antiques made and imported into the Czech Republic prior to May 28, 1992 or with the exception of items and antiques imported into the Czech Republic after May 28, 1992 with a permit from the Ministry of the Environment,
3. gall bladders, gall and products manufactured from such substances from bears (*Ursidae spp.*, all species),
4. any non living specimen of the species:

[see the original Czech version of the Decree]

with the exception of items and antiques made and imported into the Czech Republic after May 28, 1992 with a permit from the Ministry of the Environment.