



## GN2 - General guidance notes for commercial use within the European Union (EU)

Chapter 4 of the [Reference Guide to the EU Wildlife Trade Regulations](#) gives detailed guidance on the import and export of CITES listed specimens.

These notes are for guidance on how to make applications to the UK CITES Management Authority. If you need points of law to be explained, you should get independent legal advice.

This guidance note refers only to the internal EU trade of specimens of CITES listed species. Further guidance on the requirements for trade with third countries outside of the EU is set out in chapter 3 of the [Reference Guide to the EU Wildlife Trade Regulations](#) and GN1.

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## 1. Introduction

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement controlling trade in endangered species, including parts of them or products derived from them. CITES is implemented in the European Union by Council Regulation 338/97 and Commission Regulation 865/2006, which set out the rules for importing, exporting, selling and moving the listed species. The regulation of trade is based on a system of permits and certificates which may only be issued where certain conditions are met.

It is prohibited to use an Annex A specimen for commercial purposes unless the transaction or activity is covered by a valid Article 10 certificate issued by a CITES Management Authority. An endorsed CITES import permit may also function as an Article 10 certificate but only if it is expressly stated on the import permit. You should avoid entering into contracts, making payments or shipping specimens before you have been issued with all the relevant CITES paperwork.

The word 'specimen' used here means any living or dead plant or animal (or any parts or product derived from it) which is listed in Annex A or B to EU Regulation 338/97 as amended.

## 2. How do I apply?

All applications for an Article 10 exemption certificate require a completed application form. Application forms can be obtained from our website or from the enquiries desk. The Annex to this document describes the other information and documents required to support an application.

As the applicant it is your responsibility to supply all the information required to process your application. The application form is a **signed legal declaration by you** that the information you have given is correct.

The more information you are able to supply to us, the more quickly your application will be processed. It is not part of our role to pursue information on your behalf. If there is not enough information, it is possible that your application may be refused.

In the description box of the application form you should include a full description of the item or specimen, including details of all marks, tags, microchip numbers, ring numbers, and other identifying features. You should also confirm that any **rings fitted to birds are closed rings** rather than split rings. Closed rings are continuous metal alloy bands without any breaks.

You should also include evidence that the specimen was lawfully obtained and you should not undertake any commercial activity until you have the certificate in your possession.

It would also be useful if you would include a telephone number and an e-mail address so that we can contact you quickly if we need to. If you have any difficulty with the application form, please contact us and we will be happy to help you.

## 3. Turn-around times and Customer Service Charter

We have published a Customer Charter as part of the Government's service initiative to raise standards of public service. We aim to process 90% of **complete** licence applications within 15 working days and the remainder within 30 working days. You should allow this amount of time for your application to be processed. Copies of the Service Charter can be obtained from the enquiries desk.

#### 4. Movement of CITES specimens within the EU

To move CITES specimens within the EU you may need to provide evidence to confirm that they were imported or obtained legally. Evidence could be:

- the holder's copy of the import permit; or
- a valid EC Certificate issued for the specimen; or
- an invoice or receipt which has the number of the import permit or sale certificate on it; or
- a letter from the person who originally bred the specimen or a certificate from another EU Management Authority if the specimen was acquired for commercial purposes. The letter should be signed and dated by the breeder or importer. You must also give the person's address, where the specimens were bred, their birth, hatch or propagation dates, and details of the parents.

#### 5. Controls on commercial use

**You do not need a certificate from us to possess an Annex A CITES specimen or to give it away.**

You only need a certificate if Annex A specimens are to be used for commercial purposes.

Use for commercial purposes includes: the purchase, offering to purchase, acquisition for commercial purposes, display to the public for commercial purposes, use for commercial gain and sale, keeping for sale, offering for sale and transporting for sale.

You will also need certificates if you are breeding from Annex A specimens to sell offspring, even if you do not plan to sell the parents. The parents will have to be permanently and uniquely marked (see paragraphs 11 and 12).

The controls apply to live and dead specimens, their hybrids and any of their parts and derivatives including for example, feathers, blood and semen.

#### **Important**

Before you acquire a specimen, you must make sure that it has a valid Article 10 certificate or import permit. If you want to resell it or use it commercially in any way, including breeding from it, you should, where necessary, apply for another certificate (a TSC). It is a criminal offence to carry out any of the commercial activities mentioned above in respect of an Annex A specimen (e.g. buying or selling it) without a valid certificate which allows this.

There are some exceptions to these requirements to have an Article 10 certificate for commercial use. These relate to:

- Worked specimens. Guidance Note 7 gives more details about worked specimens.
- Specimens of certain animal species (or hybrids of them) that have been born and bred in captivity. These species are listed in [Annex X](#) of EC Regulation 865/2006;
- Artificially propagated specimens of plant species.
- Dead specimens of *Crocodylia* species included in Annex A with source code D, provided that they are marked or identified via other means in accordance with EU Regulations.
- Caviar of *Acipenser brevirostrum* and its hybrids, with source code D, provided that it is contained in a container marked in accordance with EU Regulations.

There are two types of Article 10 certificate which may be issued for commercial use:

- Specimen Specific Certificate (**SSC**). An SSC is issued for an individual specimen and is valid for all transactions regardless of ownership, unless the description of the specimen in Box 4 of the certificate has changed.
- Transaction Specific Certificate (TSC). A TSC is issued for an individual specimen and is valid for the person named in Box 1 of the certificate and for one or more specified transactions.

Each certificate will state which type it is above Box 20.

Where an import permit has been issued with a special condition allowing the first sale of the specimen(s) by the person or company named on that import permit, then an Article 10 certificate will not need to be obtained by that person or company. For example, the condition will allow an importer to import 100 specimens and sell them one by one to 100 buyers providing only one sale takes place for each specimen. Requests for this type of permit must be made at the time of the import application and the permit must be returned to us when the permit has expired. Please note that any subsequent owners of the specimen(s) will need to obtain an Article 10 certificate if they wish to use the specimen(s) commercially.

Applications for Article 10 certificates will be considered on a case by case basis and should provide the information outlined in the Annex.

Where the applicant does not provide sufficient information regarding the use of a specimen for permissible commercial purposes (e.g. insufficient evidence is provided to demonstrate the specimen is intended for propagation purposes from which conservation benefits will accrue to the species concerned), the Management Authority may seek additional evidence about the purpose(s) for which a specimen is to be used before determining whether an Article 10 certificate can be issued.

## 6. Specimen Specific Certificates (SSC)

'Specimen specific certificates' (**SSC**) are issued for a specimen, not the holder. They are designed to stay with the specimen throughout its life. They **must** be given to the person buying the specimen, at the time of the first sale. They should then be passed on at all future sales. **SSCs** are valid for all commercial uses in any EU member state, as long as the description of the specimen in box 4 of the certificate does not change.

Specimen specific certificates will only be issued if the following conditions are met:

- The specimens must have been introduced into the European Union when the conditions relating to species listed in Annex A of EU Regulation 338/97 or in Appendix I to the Convention or in Annex C1 to Regulation EC 3626/82 did not apply to them.
- The specimens must have been born and bred in captivity to two generations or beyond. Captive breeding is more involved than just breeding in a cage, aviary or enclosure, and you should ask us if you are not sure if your specimen would be considered to be captive bred.
- The specimens are worked taxidermy specimens which were taken from the wild in the UK in line with domestic legislation.
- The specimens must be uniquely and permanently marked.

## 7. Transaction Specific Certificates (TSC)

For specimens that do not meet the criteria to be issued with a SSC or, in the interest of conservation, or where there are welfare implications, or when the specimen is not correctly marked, we may decide to restrict a certificate to a specific holder. In these cases, we may issue a 'transaction specific' certificate (**TSC**) instead of a 'specimen specific' certificate. A **TSC** will say what it may be used for. If it allows sale, it will be for one sale only by the person named on it, from the address shown. In some cases they may only allow educational display and/or breeding, but not sale. The person buying the specimen would need to apply for and be issued with a new certificate before using the specimen for any commercial purpose.

If you pass the specimen to another person **you must return** the transaction specific certificate to us as soon as the specimen leaves your possession.

The new owner will need to know information about the specimen as proof of its lawful acquisition and if they decide to apply for their own Article 10 certificate. You should therefore ensure that before you return your certificate to us, you provide the new owner with sight of the certificate and its reference number, or a photocopy of the certificate clearly marked "Copy for information only".

Where an Article 10 certificate number is not available you can provide an invoice quoting the TSC number.

Unlike SSCs, Transaction Specific Certificates do not authorise use in another EU member state, or from another address in the UK.

## 8. Controls on Annex B listed specimens

You do not currently need a CITES certificate to possess or trade in specimens of species listed on Annex B of the Regulations. However if you are challenged, you must be able to show by providing documentary evidence, that they were lawfully acquired.

In addition if you ever intend to export them to countries outside the EU, import and export permits may be required, so you must also be able to satisfy us, again by providing documentary evidence with your application, that they were lawfully acquired.

It is an offence to use commercially, any specimens listed in Annex B that were imported illegally.

## 9. Species subject to stricter controls

There are some exceptions to the usual CITES controls in relation to certain species where stricter controls apply. Information on these controls can be found in separate guidance.

## 10. 'Readily Recognisable' specimens

Article I of the Convention and Article 2(t) of Council Regulation (EC) 338/97 requires that, where specimens are identified as a controlled species, then readily recognisable parts and derivatives of that species are also controlled. The term "readily recognisable part or derivative" was interpreted by [Conference Resolution 9.6](#) to include "any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in the appendices, unless such part or derivative is specifically exempted from the provisions of the Convention".

We recognise that sometimes it can be difficult to identify a specimen. If a specimen **cannot** be identified as a controlled species, or as being a part or derivative of a controlled species, then permits are not required. However, the onus is on the applicant to ensure that every effort has been made to identify the specimen and to obtain the corresponding permits or certificates. If it can be identified then it should be and you may want to consult an expert. Failure to correctly identify a specimen as a controlled species, or being a part or derivative of a controlled species, could lead to it being seized and possible criminal action.

Our advice to (re)-exporters, intending on moving items which they consider are “not readily recognisable” is that they should check with the CITES Management Authority of the country of import before proceeding as their interpretation may differ. Importers should check with the CITES Management Authority in the country of export. If no export permit is issued because the specimen is not deemed ‘readily recognisable’ then it is unlikely that an import permit would be required from us either.

Identifying controlled species:

Identifying controlled species:

- If the packaging states that it contains a controlled species (e.g. a traditional Asian medicine states that it contains tiger bone), it is controlled even if the specimen within the packet doesn't contain any tiger bone.
- Where a specimen can only be identified to a higher taxonomic group which includes controlled species or populations, e.g. *Crocodylia* (all crocodiles, alligators and gharials) and Orchidaceae (all Orchids), then the item is controlled, even though the actual species may not be known.
- Where the specimen cannot be identified down to a specific species the policy is to treat the specimen as if it is of the most protected species in the higher taxonomic group and apply the licensing rules accordingly
- Coral sand and coral fragments are not considered readily recognizable and are therefore not covered by the provisions of CITES;
- Urine, faeces and ambergris that has been naturally excreted are waste products and are therefore not covered by the provisions of CITES.

## 11. Marking

All live Annex A specimens being used commercially must be permanently and uniquely marked as follows:

- Birds bred in captivity must be marked with a uniquely marked close ring or where the CITES Management Authority is satisfied this is not possible due to the physical or behavioural characteristics of the specimen concerned, an unalterable microchip that meets ISO Standards 11784:1996 and 11785:1996 (E).
- All other animals may be marked with a microchip as described above or where the CITES Management Authority is satisfied this is not possible due to the physical or behavioural characteristics of the specimen concerned, a ring, band, tag, tattoo or other appropriate method.
- Marking must be carried out taking account of the humane care, wellbeing and natural behaviour of the specimens concerned.

## 12. Exemptions from marking

You may not have to mark specimens if you can send us evidence to show that the physical or behavioural characteristics of the specimens at the time of issue mean that any method of marking would harm the specimen. Please ensure that you approach us before you make the decision not to mark a specimen in accordance with the regulations as, unless you get our approval, not marking a specimen can be a reason for refusing the application. Where we are satisfied that the specimen cannot be safely marked we will record this information in box 20 of the certificate or, if marking can be carried out at a later date, we may include a special condition.

## 13. Decisions of the EU CITES Scientific Review Group (SRG)

The EU Scientific Review Group (SRG) is a body comprising representatives of each of the CITES Scientific Authorities of the EU Member States. It regularly reviews evidence and provides opinions about the impacts of trade on CITES-listed species. On the basis of the evidence it considers, the SRG may give opinions that permits or certificates should not be issued for certain species or species/country combinations. The UK's Scientific Authority considers any relevant SRG opinions when advising AHVLA. An SRG opinion advising against trade could result in your application being refused. Even where there is no current SRG opinion on trade of a species, an application may still be refused because, for example the UK's Scientific Authority has advised that trade levels are having a harmful effect on the conservation of the species concerned.

Information on the latest SRG decisions and opinions can be found on the [UNEP-WCMC Species Database](#). You should not assume that the absence of an SRG opinion means your application will necessarily be approved.

You should therefore avoid entering into contracts, making payments or shipping specimens before you have been issued with all the relevant CITES paperwork.

## 14. Gifts and donations

You do not need a certificate if you want to give your specimens away, or use or display them for non-commercial purposes. However, if the transaction involves some type of exchange or other benefit in kind, including some charitable donations (see below), we treat this as a commercial transaction so you will need a certificate.

The person receiving the gift will also need a certificate to use the specimen for commercial purposes if he or she plans to use it for commercial gain. Other EU countries may also not be prepared to allow a specimen to be sold that has previously been given away, particularly if there is not enough information about how it was received in the first place.

Anyone who receives a specimen as a gift should ask the person who gave it to them for details of:

- the origin of the specimen,
- acquisition details,
- references to any previous certificates/permits or other documentation including non-CITES paperwork to demonstrate legal origin and previous ownership.
- their contact details.

We may need to check this information if the new owner applies for a certificate.

To prove that a transaction has a valid TSC and is lawful, traders should keep records, and include them with their application to enable them and their customers to demonstrate the following:

#### **Legal purchase**

Record the name and address of the seller and the Article 10 certificate TSC number for that specimen e.g. an invoice or receipt from the seller quoting their name and address, the date of the transaction and the TSC number.

#### **Legal sale**

Return the original (yellow) TSC certificate along with the name and address of your customer and the date of the sale e.g. the certificate accompanied by a copy of your customers' invoice/receipt quoting the TSC number for each specimen and the date of sale.

Charitable donations and contributions are not normally treated as commercial transactions. This means that the controls should not apply to them. However, if the person receiving the gifts or donations has asked for them in return for the right to view, use or benefit from having access to the specimen, it is likely that you will need a certificate.

### **15. Release of information**

Information supplied in applications may be used for the purposes of monitoring compliance with EU Regulation 338/97 and supporting regulations, and in the investigation of possible offences. The information may be passed to HM Revenue & Customs and to the Police and the National Wildlife Crime Unit (NWCUC) for the purposes of gathering and analysing intelligence on possible wildlife crimes. Information (including personal data) may also be released on request to other enforcement authorities, under the Environmental Information Regulations, the Code of Practice on Access to Government Information and the Freedom of Information Act 2000.

It is a condition of making an application that you agree to AHVLA passing on information to these organisations.

### **16. Enquiries desk and application forms**

If you have any questions or would like an application form, please contact the enquiries desk (see contact details below) or download them from the website.

Animal Health and Veterinary Laboratories Agency (AHVLA)  
UK CITES Management Authority  
Centre for International Trade, Bristol  
Floor 1, Zone 17  
Temple Quay House  
2 The Square  
Bristol  
BS1 6EB

Phone: 0117 372 8774

Fax: 0117 372 8206

E-mail: [wildlife.licensing@ahvla.qsi.gov.uk](mailto:wildlife.licensing@ahvla.qsi.gov.uk)

Website: [www.defra.gov.uk/ahvla-en/imports-exports/cites/](http://www.defra.gov.uk/ahvla-en/imports-exports/cites/)

AHVLA has a formal complaints procedure which is available at:

<http://www.defra.gov.uk/ahvla/files/customer-service-standards.pdf>



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