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of the Czech Republic

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Amendment of Addendum No. 2

English Translation

**The Act [of the Czech Republic] No. 100/2004 Coll.
(Act on Trade in Endangered Species)**

**as last amended by the Act No. 420/2011 Coll. and the Act No. 467/2011 Coll.
(wording valid on 1st February 2012)**

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English Translation

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(wording valid on 1st February 2012)*)

Suggested citation:

"Act [of the Czech Republic] No. 100/2004 Coll. (Act on Trade in Endangered Species) as last amended by the Act No. 467/2011 Coll."

or

"Act No. 100/2004 Coll. on Trade in Endangered Species in the wording of 1st February 2012."

This document is an unofficial consolidated version which has no legal binding. This document is meant purely as a documentation tool and the author does not assume any liability for its contents. The authoritative version is published in the Collection of Laws of the Czech Republic.

This document was compiled and translated by the Ministry of Environment of the Czech Republic on 10th January 2012 based on the following legal documents:

- 1) Consolidated version of the Act No. 100/2004 Coll. published in the Collection of Laws of the Czech Republic No. 441/2009 Coll. under the heading "Předseda vlády vyhláší úplné znění zákona č. 100/2004 Sb., o ochraně druhů volně žijících živočichů a planě rostoucích rostlin regulováním obchodu s nimi a dalších opatřeních k ochraně těchto druhů a o změně některých zákonů (zákon o obchodování s ohroženými druhy), jak vyplývá ze změn provedených zákonem č. 444/2005 Sb., zákonem č. 227/2009 Sb. a zákonem č. 346/2009 Sb." [*The Prime Minister announces full wording of the Act No. 100/2004 Coll. on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein and on Further Measures for Protection of These Species and on Amendment of Several Acts (Act on Trade in Endangered Species) as results from amendments effected by Act No. 444/2005 Coll., Act No. 227/2009 Coll. and Act No. 346/2009 Coll.*]. Entry into force on January 1, 2010.
- 2) Zákon č. 420/2011 Sb., o změně některých zákonů v souvislosti s přijetím zákona o trestní odpovědnosti právnických osob a řízení proti nim. [Act No. 420/2011 Coll. on Amendment of Several Acts in Connection with the Enactment of the Act on Criminal Liability of Legal Persons and Proceedings Against Them]. Entry into force on January 1, 2012.
- 3) Zákon č. 467/2011 Sb., kterým se mění zákon č. 100/2004 Sb., o ochraně druhů volně žijících živočichů a planě rostoucích rostlin regulováním obchodu s nimi a dalších opatřeních k ochraně těchto druhů a o změně některých zákonů (zákon o obchodování s ohroženými druhy), ve znění pozdějších předpisů. [Act No. 467/2011 Coll. on Amendment of the Act No. 100/2004 Coll. on the Protection of Species of Wild Fauna and Flora by Regulating Trade Therein and on Further Measures for Protection of These Species and on Amendment of Several Acts (Act on Trade in Endangered Species)]. Entry into force on February 1, 2012.

The text of the Czech versions as well as other related legal documents are also available at http://www.mzp.cz/cz/cites_legislativni_zajisteni_umluvy.

***) Changes to the last consolidated version according to the 441/2009 Coll. (wording of January 1, 2010) are highlighted in blue.**

ACT

[No. 100/2004 Coll.]

**on the Protection of Species of Wild Fauna and Flora by Regulating Trade therein
and on Further Measures for Protection of These Species and on Amendment of Several Acts
(Act on Trade in Endangered Species)
as amended by Act No. 444/2005 Coll., Act No. 227/2009 Coll., Act No. 346/2009 Coll.,
Act No. 420/2011 Coll. and Act No. 467/2011 Coll.**

The Parliament has adopted this Act of the Czech Republic:

**PART ONE
INTERNATIONAL TRADE IN ENDANGERED
SPECIES OF WILD FAUNA AND FLORA
AND FURTHER MEASURES FOR PROTECTION
OF THESE SPECIES**

**CHAPTER I
BASIC PROVISIONS**

**Section 1
Object of the Act**

(1) This Act shall regulate protection of wild species of fauna and flora, which are endangered in their survival, with the aim of their conservation by regulating trade therein in accordance with the Convention on International Trade in Endangered Species of Wild Fauna and Flora ¹⁾ (hereinafter only "the Convention") and with the legislation of the European Communities regulating import and export of wild fauna and flora, import of cetacean products, import **and placing on the market** of seal products, use of leghold traps, import of pelts and other goods produced from pelts (hereinafter only "the legislation of the European Communities on the protection of endangered species") ²⁾. Further, the Act shall lay down conditions of trade in endangered species of wild fauna and flora defined hereinafter and some further measures to ensure protection and maintaining of records of these species on the territory of the Czech Republic.

(2) This Act shall apply to

- a) specified species of fauna and flora, and products derived from animals and plants of these species, listed in the Convention and in the legislation of the European Communities on the protection of endangered species ³⁾,
- b) ~~seals and products derived therefrom (hereinafter only "seal products"), listed in the Annex 1 to this Act,~~ **seals and products from seals (hereinafter only „seal product")** ⁶¹⁾.
- c) export of further specially protected species of flora and fauna ⁴⁾, which may be set out by an implementing legal regulation for the purpose of protection thereof, from the Czech Republic.

**Section 2
Definitions**

For the purposes of this Act:

- a) wild animal shall mean an individual of an animal species, if populations of this species are maintained or were maintained spontaneously in the nature, including species reported missing or extinct in the nature, also in the case of holding of this individual in a human care or in the case of another influencing of development thereof by man,
- b) wild plant shall mean an individual or colony of a plant species or a fungal species, if populations thereof are maintained or were maintained spontaneously in the nature, including species reported missing or extinct in the nature, also in the case of holding of this individual or colony in culture or in the case of another influencing of development thereof by man,

- c) species threatened directly with extinction or extirpation (hereinafter only "species threatened with extinction") shall mean a species listed in ~~the legislation of the European Communities on the protection of endangered species~~ **Annex A to the directly applicable legislation of the European Union on the protection of species of wild fauna and flora by regulating trade therein**⁵⁾,
- d) cetacean product shall mean a product defined by the legislation of the European Communities on the protection of endangered species⁶⁾,
- e) regulated pelt shall mean a pelt of an animal and further goods produced from pelts of animals, to which import restrictions apply in accordance with the legislation of the European Communities on the protection of endangered species⁷⁾,
- f) import shall mean import of a specimen⁸⁾, a regulated pelt or a seal product, into the European Communities, including a specimen caught in sea waters that are not under the jurisdiction of any State, from the moment of entry to the area of the European Community excluding the transit procedure,
- g) export shall mean export of a specimen, an individual of a specially protected species⁴⁾, a regulated pelt or a seal product, from the European Community, excluding the transit procedure,
- h) another individual shall mean an individual of a specially protected animal or plant species which is not a specimen and which is set out by an implementing legal regulation issued in accordance with Section 1 paragraph 2 letter c),
- i) export from the Czech Republic shall mean export of a specimen, another individual, a regulated pelt or seal products from the European Community, excluding the transit procedure, and the transport of a specimen, another individual, a regulated pelt or seal products from the Czech Republic to another Member State of the European Communities,
- j) product of certain seal pups⁶²⁾ shall mean a seal product listed in Annex No. 1 to this Act.**

CHAPTER II
GENERAL CONDITIONS AND PROCEDURES
FOR IMPORT, EXPORT, RE-EXPORT,
MOVEMENT OF SPECIMENS AND FURTHER HANDLING OF THEM

General conditions
Section 3

(1) The procedures for import, export, re-export and other forms of regulation in handling specimens are in accordance with the directly applicable legislation of the European Communities on the trade in endangered species (hereinafter "the regulation on trade in endangered species")⁹⁾.

(2) An application for a permit or a certificate for the purpose of import, export or re-export of a specimen in accordance with legislation on trade in endangered species⁹⁾ or certificate authorising movement of a live animal of a species threatened with extinction with the exception of plant health certificates according to Section 17 paragraph 1, shall be filed by a legal person or a natural person who intends to import, export, re-export or move a specimen (hereinafter only "applicant") with the Ministry of the Environment (hereinafter only "the Ministry") in writing on a form set out by the regulation on trade in endangered species⁹⁾. If the subject of an application is a live specimen of the order of primates (*Primates spp.*), the applicant shall furnish proof that all conditions set out for trade in primates in other legislation have been met^{9a)}.

(3) An application for an exemption from the prohibition of commercial activities concerning specimens according to the regulation on trade in endangered species¹⁰⁾ shall be filed with the relevant Regional Administrative Authority on a form set out in the regulation on trade in endangered species⁹⁾ with the exception of a travelling exhibition certificate and a sample collection certificate¹¹⁾ which are also exempt from the prohibition of commercial activities for the sole purpose of public display. If the subject of an application is a live specimen of the order of

primates (*Primates spp.*), the applicant shall furnish proof that all conditions set out for trade in primates in other legislation have been met^{9a}).

(4) The applicant shall complete the application form according to paragraph 2 or 3 and shall furnish proof of relevant data set out in the regulation on trade in endangered species⁹).

(5) An application for a travelling exhibition certificate, a sample collection certificate or a personal ownership certificate or other permits or certificates according to the regulation on trade in endangered species⁹), shall be filed with the competent Regional Administrative Authority on a form set out in the regulation on trade in endangered species⁹).

(6) Further formalities of the application according to paragraphs 2, 3, or 5 shall be a proof of payment of an official fee, if such fee is set out by a special legal regulation^{11a}).

(7) According to paragraphs 2 or 5, the applicant shall enclose with the application a filled in register card. The form of register cards will be set out by the Ministry by an implementing legal regulation.

(8) The Ministry shall maintain records of applicants according to paragraphs 2 and 5; Regional Administrative Authorities shall maintain records of applicants according to paragraph 3.

(9) Completion of application, maintaining records of applicants, filing of applications and dealing with documents, according to paragraphs 1 to 8, shall be set out by the Ministry by an implementing legal regulation.

Section 3a

(1) Import, export, re-export and transit of a specimen shall be executed via designated Customs Offices^{11b}).

(2) The Ministry has the authority to stipulate in the decision to allow import that the importer, importing a live specimen, is obliged to report to the Czech Environmental Inspectorate (hereinafter "the Inspectorate") no less than 24 hours in advance, the time of import and the Customs Office designated to enter the consignment to a relevant customs procedure or assign the consignment a customs-approved treatment.

(3) If the importer is not accompanying the imported specimen, the transporter or other escorting personnel shall resume the importers' obligations and the importer shall inform such persons about obligations thereof.

Import

Section 4

(1) The applicant shall file the application for an import permit for a specimen of a species threatened with extinction¹²) with the Ministry, on a prescribed form.

(2) The applicant shall enclose the following to the application according to paragraph 1:

a) data required by the legislation of the European Communities on the protection of endangered species¹²),

- b) data proving the identity of the applicant,
- c) an officially verified copy of a licence for business activities related to the import of the specimen, if the applicant practises such activities,
- d) certificate or written declaration on the purpose of import,
- e) in the case of a live specimen of an animal species, description of the conditions under which it will be kept during transport and where it will be accommodated after import, in accordance with legal regulations on the protection of animals ¹³⁾, in order to avoid the risk of death or damage to health.

Section 5

The Ministry shall issue the import permit ¹²⁾ for a specimen of a species threatened with extinction only when the conditions required by the legislation of the European Communities on the protection of endangered species ¹²⁾, and the conditions set out in Section 3 paragraph 4 and Section 4, have been met by the applicant.

Section 6

(1) The applicant shall file the application for an import permit for a specimen other than a specimen of a species threatened with extinction, for import of which a permit of the Ministry is necessary ¹⁴⁾, with the Ministry, on a prescribed form.

(2) The applicant shall enclose the following to the application according to paragraph 1:

- a) data required by the legislation of the European Communities on the protection of endangered species ¹⁴⁾,
- b) data proving the identity of the applicant,
- c) an officially verified copy of a licence for business activities related to the import of the specimen, if the applicant practises such activities,
- d) in the case of a live specimen of an animal species, description of the conditions under which it will be kept during transport and where it will be placed after import, in accordance with legal regulations on the protection of animals ¹³⁾, in order to avoid the risk of death or damage to health.

Section 7

The Ministry shall issue the import permit for a specimen other than a specimen of a species threatened with extinction, for import of which a permit of the Ministry is necessary ¹⁴⁾, only when the conditions required by the legislation of the European Communities on the protection of endangered species ¹⁴⁾, and the conditions set out in Section 3 paragraph 4 and Section 6, have been met by the applicant.

Export and re-export

Section 8

(1) The applicant shall file the application for issuance of an export permit ¹⁵⁾ or a re-export certificate ¹⁶⁾ for a specimen of a species threatened with extinction ¹²⁾ with the Ministry, on a prescribed form.

(2) The applicant shall enclose the following to the application for the export permit or the re-export certificate according to paragraph 1:

- a) data required by the legislation of the European Communities on the protection of endangered species ¹⁵⁾, ¹⁶⁾,
- b) in the case of an obligatorily registered specimen, a proof of registration (Section 23),
- c) data proving the identity of the applicant,

- d) an officially verified copy of a licence for business activities related to the export of the specimen, if the applicant practises such activities,
- e) in the case of a specimen of a species listed in Appendix I to the Convention ¹⁾, an import permit issued by a competent authority of the state into which the specimen is exported,
- f) in the case of a live specimen of an animal species, description of the conditions under which it will be kept during transport and where it will be accommodated after import, in accordance with legal regulations on the protection of animals ¹³⁾, in order to avoid the risk of death or damage to health,
- g) in the case of export of a specimen born and bred in captivity or artificially propagated ¹⁷⁾, a brief description of the breed or the culture, from which the origin of the individuals starting the breed or the culture, and the attained filial generation in the human care will be obvious.

Section 9

The Ministry shall issue the export permit for a specimen of a species threatened with extinction only when the conditions required by the legislation of the European Communities on the protection of endangered species ¹⁵⁾, and the conditions set out in Section 3 paragraph 4 and Section 8, have been met by the applicant.

Section 10

The Ministry shall issue the re-export certificate permit for a specimen of a species threatened with extinction only when the conditions required by the legislation of the European Communities on the protection of endangered species ¹⁶⁾, and the conditions set out in Section 3 paragraph 4 and Section 8, have been met by the applicant.

Section 11

(1) The applicant shall file the application for issuance of an export permit or a re-export certificate for a specimen other than a specimen of a species threatened with extinction, for export or re-export of which a permit or certificate of the Ministry is necessary ¹⁸⁾, or a re-export certificate, with the Ministry, on a prescribed form.

(2) The applicant shall enclose the following to the application for the export permit or the re-export certificate according to paragraph 1:

- a) data required by the legislation of the European Communities on the protection of endangered species ¹⁸⁾,
- b) in the case of an obligatorily registered specimen, a proof of registration (Section 23),
- c) data proving the identity of the applicant,
- d) an officially verified copy of a licence for business activities related to the export of the specimen, if the applicant practises such activities,
- e) in the case of a live specimen of an animal species, description of the conditions under which it will be kept during transport and where it will be accommodated after import, in accordance with legal regulations on the protection of animals ¹³⁾, in order to avoid the risk of death or damage to health,
- f) in the case of export of a specimen born and bred in captivity or artificially propagated ¹⁷⁾, a brief description of the breed or the culture, from which the origin of the individuals starting the breed or the culture, and the attained filial generation in the human care will be obvious.

Section 12

The Ministry shall issue the export permit or the re-export certificate for a specimen other than a specimen of a species threatened with extinction, for export or re-export of which a permit or certificate of the Ministry is necessary, only when the conditions required by the legislation of the

European Communities on the protection of endangered species ¹⁸), and the conditions set out in Section 3 paragraph 4 and Section 11, have been met by the applicant.

Section 13

Other cases of import, export, and re-export

In other cases of import, export, and re-export, there shall be proceeded in accordance with the legislation of the European Communities on the protection of endangered species ¹⁹).

Movement of live specimens of an animal species within the Member States of the European Communities

Section 14

(1) The applicant shall file the application for a certificate authorising movement ²⁰) of a live specimen of an animal species threatened with extinction with the Ministry, on a prescribed form.

(2) The applicant shall enclose the following to the application according to paragraph 1:

- a) in the case of an obligatorily registered specimen, a proof of registration (Section 23),
- b) data proving the identity of the applicant,
- c) an officially verified copy of a licence for business activities related to the holding or movement of the specimen, if the applicant practises such activities.

Section 15

The Ministry shall issue the certificate authorising movement according to Section 14 only when the conditions required by the legislation of the European Communities on the protection of endangered species ²⁰), and by Section 14, have been met by the applicant.

Section 15a

Exemption from the prohibition of commercial activities

(1) An applicant for exemption from the prohibition of commercial activities ^{20b}) shall be either the owner of the specimen or a legal or natural person who holds a specimen either on the basis of a long-term loan from abroad for a period longer than 90 days or a person who holds the specimen legally in case the specimen does not have an owner or the owner is not known (hereinafter only "long-term holder"). The applicant shall submit an application for exemption from the prohibition of commercial activities to a relevant Regional Administrative Authority according to Section 3 paragraphs 3 and 4.

(2) The applicant shall enclose the following to the application according to paragraph 1:

- a) documents proving the origin of the specimen as required by the regulations on trade in endangered species ⁹) and this act,
- b) in the case of an obligatorily registered specimen, a proof of registration (Section 23) if the applicant does not simultaneously apply to first time registration of the specimen,
- c) in the case of a specimen which is an individual of a specially protected species or a bird species occurring in the wild in the European Communities, a proof of permit to hold, breed in captivity or cultivate such a specimen according to a different directive ^{20a}).

(3) The Regional Administrative Authority may, after having consulted the Ministry, issue a certificate of exemption from the prohibition of commercial activities ^{20b}) and a certificate authorising movement for the same live specimen on one form.

(4) The completion of application for the certificate of exemption from the prohibition of commercial activities shall be set out by the Ministry by an implementing legal regulation.

Section 15b

Travelling exhibition certificate and sample collection certificate

(1) The applicant shall submit an application for a travelling exhibition certificate or a sample collection certificate to the Ministry according to Section 3 paragraphs 5 and 7. The applicant shall enclose relevant data and documents according to Section 4 paragraph 2, Section 6 paragraph 2, Section 8 paragraph 2 letter a) to d), f) and g) and Section 11 paragraph 2 and appropriately according to Section 15a paragraph 2.

(2) The applicant for a travelling exhibition certificate or a sample collection certificate, which shall also be an exemption from the prohibition of commercial activities for the sole purpose of public display, shall submit to the Ministry a certificate of previously issued exemption from the prohibition of commercial activities if it has been previously issued and if it remains valid; in case a travelling exhibition certificate or a sample collection certificate is issued, the previously issued certificate shall no longer be valid and the applicant is obliged to submit it to the Ministry in case the regulation on trade in endangered species¹¹⁾ does not suggest a different procedure.

(3) The Ministry shall issue a travelling exhibition certificate or a sample collection certificate only when the applicant has met all conditions as required by the regulations on trade in endangered species⁹⁾.

(4) The ministry maintains records of specimens for which a travelling exhibition certificate¹¹⁾ has been issued, listing their holders.

Section 15c

Other kinds of certificates

(1) Regulations [on trade in endangered species] and appropriately Sections 4, 6, 8, 11 and 14 are to be observed when a personal ownership certificate or other certificates mentioned by the regulations on trade in endangered species⁹⁾ are being issued.

(2) The ministry maintains records of specimens for which a personal ownership certificate¹¹⁾ has been issued, listing their holders.

(3) Completion of application forms for personal ownership certificate, sample collection certificate, travelling exhibition certificate, permit or certificate for the purposes of import, export and re-export, or certificate authorising movement of a live animal of a species threatened with extinction, shall be set out the Ministry by an implementing legal regulation.

CHAPTER III

REGISTRATION OF TRADERS AND SCIENTIFIC INSTITUTIONS AND DEROGATIONS FOR CERTAIN CASES OF EXPORT

Section 16

Registration of traders and scientific institutions

The basic conditions for registration of traders²¹⁾, scientists, and scientific institutions²²⁾ shall be regulated by the legislation of the European Communities on the protection of endangered species. An implementing legal regulation may set out more detailed conditions and requirements on the registration of traders, scientists, and scientific institutions.

Section 16a

Registration for simplified procedures in trade in biological samples

(1) The Ministry maintains registry of persons who are allowed to use simplified procedures according to the regulation on trade in endangered species ^{22a)} and registry of species whose samples are tradable in this way. This registry is re-examined and up-dated every 5 years.

(2) An application for registration for simplified procedures in trade in biological samples according to the regulation on trade in endangered species ^{22a)} is submitted to the Ministry. The applicant shall complete an application for permit or certificate for the purposes of import, export or re-export of specimen and a register card and encloses the following to the application:

- a) list of the species of specimens in biological samples, which are the subject of the application,
- b) written declaration stating that the presumed trade in biological samples shall not have any, or only negligible impact on the conservation of the species concerned,
- c) an estimate of the presumed need of partially completed permits and certificates.

Section 16b

Licenses for caviar processing and packaging plants

(1) License for processing and packaging of caviar from sturgeon-like fish (*Acipenseriformes spp.*) (hereinafter only “caviar”) in the Czech Republic may be granted to a legal or natural person in accordance with the regulations on trade in endangered species ^{22b)} based on their application submitted to the Ministry. The licence is granted for an indefinite period of time. The licence does not replace permits, approvals ^{22c)}, agreements or statements necessary for the processing, packaging or re-packaging of caviar according to other legal directives.

(2) Based on the application, the Ministry shall approve the method in which containers with caviar will be marked by the packaging plant if the marking is in accordance with the regulation on trade in endangered species ^{22b)} and shall assign an registration code to the caviar processing or packaging plant.

(3) The Ministry has the right to remove a license assigned according to paragraph 1, if a processing or packaging plant has violated their obligations stipulated by the regulations on trade in endangered species ⁹⁾. A new license may be obtained no sooner than two years after the removal has been legally validated. The licence cannot be passed to a legal successor of a processing or packaging plant. The Ministry maintains records of processing or packaging plants which have been granted the license.

(4) The processing or packaging plant must, without delay, report to the Ministry any changes relevant to the use of the license.

(5) The processing or packaging plants shall submit an application for the license to the Ministry. The license application, in addition to the formalities according to the regulation on trade in endangered species ⁹⁾ shall contain the following:

- a) information about the assumed method of obtaining, processing and storing caviar,
- b) justification for the application in accordance with the regulation on trade in endangered species ⁹⁾,
- c) detailed description of the methods of packaging caviar used by the packaging plant, description and samples of non-reusable labels for primary containers with caviar,
- d) applicant’s written consent that the Ministry will provide information about the licensed packaging plant to the European Commission and the Secretariat of the Convention ¹⁾ as stated in the regulation on trade in endangered species ⁹⁾.

(6) Decision taken by the Ministry about the license for the packaging plant serves only the purposes of trade in caviar in accordance with the regulation on trade in endangered species ¹⁰⁾ and does not replace fulfilment of requirements of any other legal directives.

(7) The processing or packaging plants must keep records about the handling of caviar and mark containers with caviar.

(8) The Ministry shall set out by an implementing legal regulation an application form for the license to process, package or re-package caviar, the contents and the manner in which records will be kept regarding the handling of caviar, the method by which containers with caviar will be marked and the manner in which packaging plants will be assigned registration codes.

Section 17

Export of a specimen of a plant species on the basis of a phytosanitary certificate

(1) In the cases set out by an implementing legal regulation, the permit of the Ministry for export of an artificially propagated specimen of a plant species may be substituted by a phytosanitary certificate issued according to another act ²³⁾ if the conditions set up by the European Commission (hereinafter only "the Commission") ²⁴⁾ have been met.

(2) An officially verified copy of the phytosanitary certificate issued for export of a specimen of plant origin according to paragraph 1 shall be sent by the Phytosanitary Care Authority to the Ministry 15 days from its issuance at the latest, with the exception of cases where the data from these documents can be sent electronically; the cases where this can be done shall be set out by an implementing legal regulation.

CHAPTER IV

TRADE IN CERTAIN SPECIALLY PROTECTED SPECIES AND SEAL PRODUCTS AND REGULATION OF HUNTING OF CERTAIN SPECIES OF SEA ANIMALS

Section 18

Trade in specially protected species

(1) The export of another individual from The Czech Republic may be carried out only on the basis of a permit granted by The Ministry. The application form for the permit to export another individual from the Czech Republic is set out by the Ministry by an implementing legal regulation.

(2) On the territory of the Czech Republic, analogous provisions shall further apply to these individuals during their export as to specimens of a species threatened with extinction.

(3) The export permit according to paragraph 1 may be issued only when there has been proven by the applicant that:

- a) export of the individual shall not endanger the survival of the species; an expert statement shall be issued by the Scientific Authority at the request of the applicant,
- b) the individual has been obtained in accordance with another legal regulation ²⁵⁾,
- c) the live individual shall be treated during transport in accordance with another legal regulation ¹³⁾, in order to avoid the risk of death or damage to health.

Section 19

Trade in seal products

(1) Import ~~and transit of seal products~~ **of products of certain seal pups** for commercial purposes, especially for sale, exchange or purchase, offering for sale, exchange or offer to purchase,

acquisition for commercial purposes, display to the public for commercial purposes or as a trade sample, use for gain, and keeping or transporting for the purposes of sale, shall be prohibited.

(2) Exemption from the prohibition set out in paragraph 1 may be granted by the Ministry, in substantiated cases, for ~~seal~~-products **of certain seal pups** where it has been proven by the importer that the products have resulted from traditional hunting by the Inuit people in accordance with valid legal regulations in the country of origin,

(3) The provisions of paragraphs 1 and 2 shall not affect other obligations arising from the directly applicable legislation of the European Union on trade in seal products⁶³).

Section 20

Regulation of hunting of certain species of sea animals

(1) Hunting for cetaceans to which this Act applies shall be prohibited on ships sailing under the state flag of the Czech Republic.

(2) Exemption from the prohibition set out in paragraph 1 may be granted by the Ministry for the purposes of scientific research. The Ministry may set out the conditions of hunting in the granted exemption.

(3) For granting of the exemption according to paragraph 2, the Ministry shall request a statement of the Scientific Authority (Section 27).

CHAPTER V REQUIREMENTS ON THE PERMIT OR CERTIFICATE FOR IMPORT, EXPORT, RE-EXPORT OR MOVEMENT OF A SPECIMEN AND DEALING THEREWITH

Section 21

(1) A part of the decision on the import, export or re-export authorization for a specimen shall be also a completed and certified form of the corresponding permit or certificate in accordance with the regulation on trade in endangered species²⁶) (hereinafter only "CITES document"). A part of the authorization necessary for movement of a specimen of a species threatened with extinction shall be a certificate issued in accordance with the regulation on trade in endangered species²⁰). A CITES document shall be also an import notification submitted to the Customs Office in accordance with the regulation on trade in endangered species²⁷) and a phytosanitary certificate issued in accordance with Section 17 or other permit or certificate in accordance with the regulation for trade in endangered species⁹). A CITES document shall be also a copy of such document issued by the Ministry simultaneously with the original CITES document (hereinafter only "copy of the CITES document") and a verified copy of a CITES document issued by the Regional Administrative Authority.

(2) Data that must be present in the CITES document must be stated in the CITES document also in English, French or Spanish language.

(3) The Management Authority (Section 25 paragraphs 2 and 8) shall state, on the CITES document, the method of marking of the specimens.

Section 22

(1) The import permit, or, optionally, a document issued in the state of export for export or re-export of a specimen into the Czech Republic in accordance with the Convention ¹⁾, or a CITES document, which replaces them, which were not at the time of import withdrawn by the Customs Authorities and ought to have been withdrawn in accordance with the regulation on trade in endangered species ²⁾, need to be submitted no longer than 15 days after the import to the Ministry together with a written explanation why they were not submitted to the Customs Authorities.

(2) A copy of the CITES document, certified by the Customs Office at the time of import of the specimen, or a copy issued by a Regional Administrative Authority, shall serve the importer for the purposes of proving legal origin of the specimen according to the regulation on trade in endangered species ⁹⁾.

(3) If the importer does not have a copy of the CITES document or if the data necessary to prove the origin of the specimen on the copy of the document is incorrect or incomplete, the importer shall inform the Ministry in writing without delay about the circumstances of the import and reasons of doubts, shall attach the relevant documents including the controversial copy and shall request issuance of a substitute certificate for the purposes of proving legal import.

(4) In the case of doubts, the validity of the copy of the CITES document shall be certified by the Ministry.

(5) The conditions for use of the copy of the CITES document and the certificate according to paragraph 3, and a model of the certificate, may be set out by an implementing legal regulation.

CHAPTER VI REGISTRATION OF CERTAIN SPECIMENS, GRANTING OF EXEMPTIONS FROM THE PROHIBITION OF COMMERCIAL ACTIVITIES, AND PROVING OF ORIGIN

Registration of certain specimens and granting of exemptions from the prohibition of commercial activities with the specimens Section 23

(1) The owner or long-term holder of a specimen shall be obliged to apply for registration of the specimen if it is:

- a) a specimen of a species threatened with extinction to which the prohibition of commercial activities applies ¹⁰⁾, with the exception of
 1. species of wild animals and plants, which naturally occur in the Czech Republic including species specially protected according to the legal regulations on nature and landscape protection ^{31a)}, and
 2. specimens of species for which an implementing legal regulation may set out that they are not subject to the obligation of registration.
- b) specimens of other species than those threatened with extinction as listed in the Annex 2 to this Act.

(2) The registration obligation shall not apply to a specimen of an owner or a long-term holder with a seat or permanent residence outside the territory of the Czech Republic, when the specimen is imported in accordance with this Act into the Czech Republic temporarily for a period shorter than 90 days from the day of import. In the case of a specimen of an owner or a long-term holder with a seat or permanent residence in a Member State of the European Communities, the specimen must be accompanied by a relevant permit or certificate issued by a Management Authority of the

Member State of the European Communities where the owner or the long-term holder has a seat or permanent residence. In such case, the period of temporary stay without the obligation of registration shall be 12 months from the day of import of the specimen on the territory of the Czech Republic.

(3) A proof of registration of a specimen shall be a registration document issued by a Regional Administrative Authority (hereinafter only „Registration Authority“). The registration document is valid for the territory of the Czech Republic. An individual registration document shall be issued for each specimen subject to the obligation of registration. The Registration Authority maintains a copy of the registration document at the same time. A registration document is not an official certificate of the legal origin of the specimen. The owner or long-term holder is obliged to ensure that a specimen is always accompanied by its registration document, eventually other documents in accordance with paragraphs 4 and 8; and the same shall be applied in case that the specimen has been handed over to a new owner. The form of the registration document will be set out by the Ministry by an implementing legal regulation.

(4) Simultaneously with a decision of granting of an exemption from the prohibition of commercial activities according to Section 15a for a hitherto unregistered specimen, specimens, which are under the obligation of registration, are registered and the owner or long-term holder is issued a registration document. If the Registration Authority issues a certificate of exemption from the prohibition of commercial activities for a registered specimen, the Registration Authority, after the issuance of the certificate of exemption, shall forthwith enter the number of the certificate in a registration document and the number of the registration document is entered in the certificate. This procedure is similarly applied to other certificates. A person living outside the Czech Republic is obliged to have, while in the Czech Republic, and if the person holds a specimen, necessary certificates in accordance with the regulation on trade in endangered species ⁹⁾). A certificate of exemption from the prohibition of commercial activities ^{20b)}, in case it is not set out otherwise in the regulations on trade in endangered species ⁹⁾, is handed over with the specimen to the new owner or long-term holder.

(5) The owner or long-term holder of a specimen subject to the obligation of registration shall be obliged to apply for the issuance of a registration document with the Registration Authority no longer than 30 days from acquisition of the specimen or from the lapse of the term according to paragraph 2 or from the date of entry into force of a legal regulation which lists the species, to which the specimen belongs, among species subject to the obligation of registration. The owner or long-term holder who shall be obliged to apply for the issuance of a registration document must not transfer the specimen to another person until the document has been issued by the Registration Authority. The applicant for the issuance of the registration document shall furnish proof of his identity and submit all relevant documents at his disposal regarding the specimen.

(6) In the case of birth or hatching of young ones in one's own breeding facility when the breeding of them shall be entered by the owner or long-term holder into the breeding records according to Section 24 paragraph 7, the time period for registration of a specimen according to paragraph 5 shall be extended by the time period, during which the owner or long-term holder will keep the young ones, in the following way:

- a) in the case of young mammals being nursed, no longer than up to 6 months of their age,
- b) in the case of eggs and young birds or reptiles for the time they remain in the nest or are cared for by their parents, no longer than up to 3 months of their age,
- c) in the case of eggs, roe, the embryonic stages of the young ones different than those according to letter a) or b) no longer than up to 3 months since their hatching, or in the case of development via embryonic stages, up to 15 days since the reaching of the last developmental stage.

(7) The Registration Authority which has registered a specimen, which according to other legal regulations ³⁰⁾ belongs to animal species requiring special care, shall report this fact to a competent authority for the protection of animals ³¹⁾ without undue delay.

(8) The obligation of registration shall not apply to confiscated specimens, if they stay in the possession of the state. In the case of a long-term loan longer than for 90 days, renting, sale or another transfer of the confiscated specimen, which is in the possession of the state, the Ministry shall issue a certificate of origin of the confiscated specimen on a form set out by an implementing legal regulation, wherein the new acquirer shall further have the same obligations to the specimen as the owner.

(9) The completion of a registration document shall be set out by the Ministry by an implementing legal regulation.

Section 23a

(1) Data in the registration document must be in accordance with the actual situation of a specimen and it must be evident that they belong to one another.

(2) The owner or long-term holder of a specimen shall be further obliged to notify the Registration Authority about changes pertinent to the registered specimen, which are death, loss, loan, renting, transfer of the possession of the specimen, later marking of the specimen, or permanent export from the Czech Republic. The notification shall be made within 30 days from the day on which the change has occurred or on which the owner or long-term holder has learnt about the change. In the case of loan, renting and later marking of the specimen, the owner or long-term holder shall be obliged, in the same time period, to submit the registration document for writing down the changes.

(3) In the case of death or loss of the specimen, the owner or long-term holder shall hand over the registration document to the Registration Authority within 30 days from the day when the specimen has died or been lost. The owner or long-term holder of a specimen shall also be obliged to hand over the registration document in the same time period in the case of permanent export from the Czech Republic. In the case of permanent transport from the Czech Republic to another Member State, the owner shall hand over the registration document to the relevant Registration Authority and, in the case of permanent export of the specimen, to the Ministry.

(4) The owner or long-term holder of a specimen shall be obliged to notify about changes pertinent to the specimen, important for its identification unless it is a specimen individually and unmistakably marked according to the requirements of the regulation on trade in endangered species ⁹⁾.

(5) In the case of the change of the owner of the specimen or long-term holder, the new owner or long term holder shall notify, within 30 days from the day of the acquisition of the specimen, the relevant Registration Authority. However, in such a case a new document shall not be issued, but the pertinent change shall be recorded in the existing registration document, unless set out otherwise by this Act. The Registration Authority shall also record the changes into a copy of the registration document which it shall retain. The new owner or long term holder must not transfer the specimen to a different person until the relevant Registration Authority, after the notification of the acquisition, has entered the fact into the registration document.

(6) The method how to do changes in the registration of specimens subject to the obligation of registration shall be set out by the Ministry by an implementing legal regulation.

Section 23b

(1) The person who sells or offers to sell a specimen which is subject to registration or a specimen which is subject to the prohibition of commercial activities according to the regulation on trade in endangered species ¹⁰⁾, shall be obliged to furnish it with a written notice “CITES-obligatory documents” and effect the sale only with the relevant registration document, and in the case of a specimen subject to the prohibition of sale with also a certificate of exemption from this prohibition ^{20b)} or certificate which substitutes the aforementioned one (hereinafter only “obligatory documents related to transfer”).

(2) The person who sells or offers to sell a specimen stated in paragraph 1 shall furthermore be obliged to inform the buyer or a party interested in buying about the obligation to register a specimen according to this Act and about the prohibitions of commercial activities with the specimen ¹⁰⁾. This shall apply analogously also to another ways of transfer of the specimen.

(3) Obligations stated in paragraphs 1 and 2 apply to those who sell such specimens or offer to sell them via distant means of communication. Notice “CITES - obligatory documents” shall be an obligatory part of an advertisement offering the sale of a specimen subject to the registration or a specimen subject to the prohibition of commercial activities.

(4) During trading in places accessible to the public, where specimens are sold and offered to be sold, or during the operation of distance communication means, whereby specimens are sold or to be offered to be sold, the operator of such a place or distance communication means shall be obliged to ensure that obligatory information related to the transfer of a specimen be made public in a visible place. The operator of distance communication means shall be obliged to ensure that this information be made public regarding advertising or internet sales. In that case, a link to obligatory information made public by the Ministry shall be regarded as the publication of obligatory information. The operator of distance communication means shall, if required by the Inspection, be obliged to remove an advertisement, without delay, which is contrary to this Act or the prohibition of commercial activities ¹⁰⁾.

(5) The content of obligatory information related to the transfer of a specimen and the form of a link to obligatory information made public by the Ministry shall be set out by an implementing legal regulation.

The marking and identification of specimens

Section 23c

(1) The owner or long-term holder of a specimen shall be obliged to mark the specimen, on his own expense, in accordance with the regulations on trade in endangered species ^{32a)} for the purposes set out in regulations on trade in endangered species ⁹⁾ and apply the same procedure of marking for specimens subject to the obligation of registration according to Section 23. The specimen shall be marked by the time the application for registration has been submitted, unless set out otherwise by this Act. The marking of a specimen shall be unmistakable for the purposes of the individual identification of a specimen. The same marking shall not be used for more than one specimen and a mark hitherto used shall not be used on any other specimen. The provisions of this paragraph are not relevant to specimens marked in accordance with the regulations on trade in endangered species ^{32a)} outside the territory of the Czech Republic.

(2) If a specimen is not traded and is not transferred to a different owner or long-term holder and if the regulation on trade in endangered species ^{32a)} does not set out a different time period, the specified method of marking according to paragraph 1 is not relevant to:

a) young mammals being nursed, no longer than up to 6 months,

- b) eggs of birds and young birds if they remain in the nest or are cared for by their parents, no longer than up to 3 months of their age,
- b) eggs, roe, the embryonic stages of reptiles and young reptiles, no longer than up to 3 months of their age

(3) Another method of marking or identification of a specimen than that according to paragraph 1 may be approved by a relevant Management Authority only when the specified marking according to paragraph 1 can cause health problems to the specimen of an animal species, or if it is not appropriate because of physical properties of the specimen or species or because of natural behaviour typical of such a specimen or species. At the time of acceptance of another method of marking or identification, a relevant Management Authority may request a statement from the Scientific Authority. If a marking is deemed not feasible only temporarily, and if the specimen has no other individual distinguishing feature, the Registration Authority shall determine a later date for the marking of the specimen.

(4) The method of marking and the number of the mark shall be recorded by the Registration Authority on the registration document. If the owner or long-term holder of the specimen proves that the physical and health state of the specimen does not allow safe application of any specified marking method at the time of issuance of the registration document, the Registration Authority shall record this circumstance on the registration document, or, in the case that it will be possible to apply a marking method safely at a later date, it shall set out this as a condition. In the case of a specimen which cannot be marked in this way, the Registration Authority shall state, on the registration document, a description of individual distinguishing features of the specimen supplemented with photographic documentation which shall form an integral part of the relevant registration document.

(5) The method of marking, kinds and appearances of the mark, the method of numbering and the method of allocation of the marks, and other methods of marking or identification of specimens shall be set out by the Ministry by an implementing legal regulation.

Licenses for manufacturers and distributors of marks for specimens

Section 23d

(1) The manufacturers and distributors of rings and other marks required for the marking of specimens according to Section 23c paragraph 1, with the exception of microchip transponders and with the exception of caviar processing and packaging plants licensed according to Section 16b, may manufacture and distribute these marks in the Czech Republic only on the basis of a license granted by the Ministry, in case they furnish proof of meeting the conditions set out in the regulations on trade in endangered species^{32a}).

(2) The application for a license to manufacture or distribute rings and other marks for the marking of specimens, excluding terms according to other legal regulations, contains^{11a}):

- a) samples of rings or other marks, which the applicant intends to manufacture or distribute,
- b) written information about rings or other marks,
- c) applicant's consent that after having been granted a license, the Ministry may publish information about the applicant as a licensed manufacturer or distributor.

(3) A proof of payment of an administrative fee according to another legal regulation^{11b}) is a further requirement regarding the application for the license of the manufacturer or distributor of rings and other marks.

(4) Decision about license for a manufacturer or distributor of rings and other marks contains, besides requirements according to other legal regulations^{11a}), the registration number of the

distributor, types and parameters of rings and other marks, which have been approved by the Ministry.

(5) The manufacturer or distributor with a license shall be obliged to keep register of manufactured or distributed marks, a part of which is the identification of a person who has been allocated the mark. The manufacturer or distributor with a license shall be obliged to make accessible the data from the registry to the Ministry and the Inspectorate. The fulfilment of specified obligations by manufacturers and distributors of rings and other marks shall be checked by the Inspectorate.

(6) The Ministry may take a decision to revoke a license or change a license in case a manufacturer or distributor has violated this Act or the regulations on trade in endangered species ⁹⁾ or the duties ensuing from the license or in the case of alteration of legal regulations about the marking of specimens. The Ministry shall also revoke a license if the holder applies for revocation.

(7) The Ministry shall keep a register of manufacturers and distributors of marks with a license and ~~this register shall be made accessible to the public~~ **contents of this register shall be published in a manner allowing remote access.**

(8) The content and method of keeping register of manufactured or distributed rings and other marks according to paragraph 5 and the content of written information according to paragraph 2 letter b) shall be set out by the Ministry by an implementing legal regulation.

Proving of origin

Section 24

(1) Anybody who keeps, breeds, grows, transports, displays to the public, sells, exchanges, offers for the purpose of sale or exchange, or processes a specimen, another individual, a cetacean product, a seal product, or a regulated pelt, shall be obliged, upon request by the Inspectorate or Customs Authorities, to prove their origin. Without this proof of origin, it shall be prohibited to keep, breed, grow, transport, display to the public, sell, exchange, offer for the purpose of sale or exchange, or process a specimen, another individual, a cetacean product, a seal product, or a regulated pelt.

(2) Everybody who acquires for commercial purposes, displays to the public for commercial purposes, uses for commercial gain and sale, keeps for the purpose of sale, offers for sale, sells, transports or moves for the purpose of sale, a specimen, another individual, a cetacean product, a seal product, or a regulated pelt, shall be obliged to keep written records and enable the Inspectorate to check them according to Section 30. The formalities of these records and the way they are kept shall be set out by the Ministry by an implementing legal regulation.

(3) Purchase, sale, donation, exchange or another transfer of possession (hereinafter only "transfer"), loan or renting of a specimen, another individual, a cetacean product, a seal product and a regulated pelt shall be possible only with a written document from the original owner or long-term holder or holder; for example a seller's receipt or invoice, rental agreement, loan contract, barter contract, deed of gift which have a documentary form and on which shall be entered the identification of the original owner, date, signature, marking and details about the origin of the specimens, other individuals, products or pelts. The origin shall be proved by data and documents attesting the acquisition of a specimen in accordance with the requirements of the regulations on trade in endangered species ⁹⁾ and this Act, in particular by stating when and where the specimen was removed from the wild, or when and where the specimen was born in captivity or was artificially propagated, or when, from which country and based on which CITES documents the specimen was imported.

(4) The owner or long-term holder of an imported specimen, another individual, a cetacean product, a seal product or a regulated pelt shall, in the case of a transfer of ownership right of a specimen, loan or renting of a specimen, be obliged to hand over to the new owner the original of the relevant CITES document or a similar import document, if the regulation on trade in endangered species⁹⁾ or this Act require these documents.

(5) If a CITES import document has been issued for more specimens, and during transfer they are to be separated, the Regional Administrative Authority shall issue the holder with a relevant number of numbered and certified copies of the CITES document³²⁾ based on a written application. These officially verified copies are valid for one specimen only, act only as a proof of allowed import of a specimen and do not replace other documents according to this Act and according to regulation on trade in endangered species⁹⁾. The holder shall enclose the original of a relevant import CITES document to the written application for the certificate. If a regulation on trade in endangered species⁹⁾ does not state differently, a Regional Administrative Authority shall withdraw and send the original of the relevant import CITES document to the Ministry and shall file a copy thereof.

(6) Documents according to paragraphs 3 to 5 must be kept by the owner or long-term holder or holder of a specimen or another individual, a cetacean product, a seal product and a regulated pelt, for the duration of holding of such an individual for the case of an inspection. The original holder shall be obliged to keep copies of these documents for at least 24 months from the time of transfer or the whole time period of loan or renting and enable inspection thereof according to Section 30 of this Act.

(7) Anybody who breeds a specimen listed in Annexes A or B of Council Regulation No. 338/97²⁾ shall be obliged to keep records of his/her breeding and enable inspection thereof according to Section 30.

(8) The obligation according to paragraph 7 is not relevant to zoological gardens which have been granted license according to another legal regulation³²⁾.

(9) The Ministry shall set out, by an implementing legal regulation, a list of species, specimens or other individuals, cetacean products, seal products and regulated pelts, where there will not be required the obligations according to paragraphs 2 and 4 to 7. The Ministry shall set out, by an implementing legal regulation, the formalities of documents on origin of specimens, another individuals, products or pelts according to paragraph 3, the form of a certified copy of the CITES document and the certification thereof according to paragraph 5, the formalities and format of records according to paragraph 7, book-keeping thereof, time of obligatory storage and the way entries are made about performed checks.

CHAPTER VII EXECUTION OF STATE ADMINISTRATION

Section 25

(1) The authorities executing state administration according to this Act shall be:

- a) the Ministry,
- b) the Ministry of Finance,
- c) the Czech Environmental Inspectorate³³⁾ (hereinafter only "the Inspectorate"),
- d) the Customs Offices,
- e) the Veterinary Administration Authorities,
- f) the Phytosanitary Care Authorities,
- g) the Regional Administration Authorities.

(2) The Ministry shall:

- a) perform the function of the Management Authority with primary responsibility, ensure contact with the Commission, the Secretariat of the Convention ¹⁾ and the contracting parties to the Convention, and manage and co-ordinate methodically the other Management Authorities,
- b) appoint representatives into consultative groups and committees of the Commission established on the basis of the regulation on trade in endangered species ⁹⁾,
- c) grant import and export permits and re-export certificates, certificates authorising movement of a specimen, certificates that a specimen has been acquired in a legal way in the Czech Republic for export from another Member State of the European Communities, allows simplified procedures regarding a specific trade in biological samples ^{22a)},
- d) issue licenses for the processing and packaging plants and approve the method of marking containers with caviar,
- e) grant travelling exhibition certificates and sample collection certificates ¹¹⁾ including cases where these certificates act as an exemption from the prohibition of commercial activities for the sole purpose of public display, grant personal ownership certificates ^{20d)},
- f) issue other documents according to the Convention ¹⁾ and in accordance with the legislation of the European Communities on the protection of endangered species ²⁾, in case their issuance is not entrusted to other authorities by this Act,
- g) grant exemption from the prohibition of hunting for cetaceans according to Section 20 paragraph 2, **verify documents attesting origin of seal products under the directly applicable legislation of the European Union on trade in seal products ⁶⁴⁾**, decide in cases set out in Sections 18 and 19, eventually decide in further cases set out by the regulation on trade in endangered species ⁹⁾,
- h) register scientists and scientific institutions ²²⁾ and traders ²¹⁾ with artificially propagated specimens of plant species,
- i) mediate registration with the Secretariat of the Convention ¹⁾ according to Section 29,
- j) allow or authorise rescue centres, reimburse the costs of care of seized and confiscated specimens including the pertinent operating costs and co-ordinate the activities of rescue centres,
- k) issue certificates on the origin of confiscated specimens,
- l) find out facts concerning the regulation of commercial activities according to the regulation on trade in endangered species ³⁵⁾,
- m) ensure printing of the forms of all permits, certificates, import notification, applications and other forms with the exception of phytosanitary certificates according to Section 17, whose standards are set out by an implementing legal regulation or whose standards are set out by the legislation of the European Communities on the protection of endangered species ²⁾,
- n) ensure other tasks according to the directly applicable regulations of the European Communities ³⁴⁾,
- o) keep records according to Section 3 paragraph 8, Section 15b paragraph 4, Section 15c paragraph 2, registers according to Section 16a, and administers the central **database register** of the CITES documents and the **database register** of seized and confiscated specimens according to Section 35 paragraph 1 and 4,
- p) grant license for manufacturing and distribution of rings and marks and decide whether they shall be revoked or changed, keep registry of manufacturers and distributors of rings and marks, to whom the license has been granted and **~~make it available to the public~~ contents of this register shall be published in a manner allowing remote access**,
- q) change or repeal decisions taken according to trade in endangered species ⁹⁾ and according to Section 38a,
- r) make public the obligatory information related to the transfer of a specimen **in a manner allowing remote access**.

(3) The Ministry of Finance shall:

- a) co-operate with the Ministry and the Inspectorate in the checks of import, export and transit of specimens, other individuals, seal products and regulated pelts, to which the legislation of the European Communities on the protection of endangered species ³⁴⁾ and this Act apply, as well as in the checks of the prohibition of holding and sale of imported specimens, seal products, and regulated pelts, protected in accordance with the legislation of the European Communities on the protection of endangered species ³⁴⁾ and this Act,
- b) perform the other tasks according to the legislation of the European Communities on the protection of endangered species in co-operation with the Ministry,
- c) ensure, materially and organisationally, the conditions for accommodation of the specimens, other individuals, seal products or regulated pelts during checks at the Customs Offices in co-operation with the Inspectorate, Phytosanitary Care Authorities, Veterinary Administration Authorities, and the Ministry.

(4) The Inspectorate shall:

- a) perform control of observance of this Act,
- b) check the identity of persons with regard to the protection of endangered species according to this Act,
- c) perform control of observance of any license granted by the Ministry according to Section 23d paragraph 1,
- d) impose measures to ensure duties ensuing from this Act,
- e) impose fines according to Sections 34c and 34d,
- f) seize and confiscate specimen according to Sections 34 and § 34a,
- g) impose measures to ensure duties ensuing from the regulation on trade in endangered species ⁹⁾,
- h) keep records of persons found guilty of an offence or responsible for another administrative tort according to this Act,
- i) find out facts concerning the import and export of specimens, other individuals, seal products or regulated pelts and the regulation of commercial activities in accordance with the legislation of the European Communities on the protection of endangered species ²⁾,
- j) co-operate with Customs Authorities in checking whether a specimen, other individual, seal product, or regulated pelt, correspond with the data stated on relevant documents.

(5) The Customs Authorities shall ³⁶⁾:

- a) during customs supervision over goods which is a specimen, perform checks of the specimens at the time of import, export, re-export and transit, and perform the other duties according to this Act (Sections 26, 34),
- b) check, in co-operation with the Veterinary Administration Authorities or Phytosanitary Care Authorities, whether the transport of live specimens is in accordance with the legislation of the European Communities ¹¹⁾ and this Act,
- c) seize specimens according to Section 26 paragraph 5,
- d) find out facts concerning regulation of commercial activities in accordance with the legislation of the European Communities on the protection of endangered species ³⁵⁾.

Letters a) to c) apply analogously to other individuals, seal products and regulated pelts, unless set out otherwise hereinafter.

(6) Veterinary Administration Authorities ³⁷⁾ shall:

- a) co-operate in designated Customs Authorities,
- b) assist the Customs Authorities to check whether a specimen, other individual, seal product, and regulated pelt correspond to data stated on the relevant documents,
- c) assist the Customs Authorities to check whether transport of live specimens or another live individuals is in accordance with conditions for transport set out by this Act and conditions according to other legal regulations ¹³⁾,

- d) in accordance with other legal regulations ^{37a)} and other directly applicable legislation of the European Communities ^{37a)} set out and perform checks of veterinary conditions
1. for organizing travelling exhibition whose subject are live specimens of an animal species
 2. for import, export from the Czech Republic, re-export and transit of live specimens of an animal species, and for manipulation of live specimens of an animal species for the purposes of trade
 3. for establishment and management of rescue centres
 4. for manipulation a live specimen or another individual of an animal species during their seizure or confiscation according to Section 26 paragraph 5 or Section 34,

(7) Phytosanitary Care Authorities ³⁸⁾ shall:

- a) co-operate in designated Customs Authorities,
- b) assist the Customs Authorities to check whether a specimen or other individual corresponds to data stated on the relevant documents,
- c) assist the Customs Authorities to check whether transport of a live specimen of a plant species is in accordance with conditions for transport set out by this Act and conditions according to other legal regulations ³⁹⁾,
- d) as a Management Authority, issue documents for export of plant specimens in the case set out in Section 17.

(8) Regional Administrative Authorities shall ensure the performance of functions of another Management Authority according to the legislation of European Communities on the protection of endangered species ²⁾ and this Act by granting exemptions from the prohibition of commercial activities with specimens, including a simultaneous certificate authorising movement of a specimens according to Section 15a paragraph 3, and except cases where the exemption shall be granted by the Ministry within the proceedings on other documents according to Section 3 paragraph 3 and Section 15b. Furthermore they shall ensure the registration of specimens according to Section 23 and shall find out facts concerning the regulation of commercial activities in accordance with the legislation of the European Communities on the protection of endangered species ³⁵⁾. Regional Administrative Authorities shall keep records of applicants for the exemption from the prohibition of commercial activities and shall issue the certified copies of a CITES document ^{32b)} according to Section 24 paragraph 5.

(9) The Ministry, the Inspectorate and Customs Authorities shall perform control of observance of the legislation of the European Communities on the protection of endangered species ³⁴⁾ and of this Act.

Section 25a

(1) The Ministry of the Interior or the Police of the Czech Republic shall provide the authorities executing the state administration according to this Act the following:

- a) reference data from the basic register of residents,
- b) data from the agenda information system of residents' records,
- c) data from the agenda information system of foreigners.

(2) The data provided according to the paragraph 1 letter a) are as follows:

- a) name or, possibly, names, surname,
- b) date, place and district of birth; or, in case of a person born abroad, date, place and state of birth,
- c) date and place of death; or, in case of a person who died outside the territory of the Czech Republic, date of death, place and state where the death occurred; or, in case of a court's

- decision about declaration of death, day stated in the decision as the day of death or day which the person declared to be dead did not survive, and the date of legal force of that decision,
- d) address of place of residence,
 - e) state citizenship, or more state citizenships.

(3) The data provided according to the paragraph 1 letter b) are as follows:

- a) name or, possibly, names, surname, maiden surname,
- b) date, place and district of birth; or, in case of a person born abroad, date, place and state of birth,
- c) birth identity number,
- d) address of place of permanent residence,
- e) state citizenship, or more state citizenships.

(4) The data provided according to the paragraph 1 letter c) are as follows:

- a) name or names, surname, maiden surname,
- b) date, place and district of birth; or, in case of a person born abroad, date, place and state of birth,
- c) state citizenship, or more state citizenships,
- d) kind and address of place of residence,
- e) beginning of residence and, possibly, date of end of residence.

(5) The data, which are kept as reference data in the basic register of residents, shall be used from the agenda information system of residents' records or the agenda information system of foreigners only if they are in a form preceding to the present state.

(6) From the data provided, only such data can be used, in a particular case, which are necessary for fulfilling of the task.

CHAPTER VIII SOME MEASURES FOR REGULATION OF TRADE IN ENDANGERED SPECIES

Section 26

Co-operation of the competent administrative authorities on the borders of the European Communities

(1) The Customs Authorities ³⁶⁾ shall communicate to the Ministry and the other competent authorities according to this Act information on infringement of the legislation of the European Communities on the protection of endangered species ²⁾ or of this Act, or on suspicion of such infringement, and information necessary to identification of persons responsible for infringement of these regulations and to further procedure according to Sections 30 and 34 of this Act. Further, they shall also provide expert assistance within the limits of their competence ⁴⁰⁾ and shall co-operate with them in performing tasks ensuing from this Act (Section 34).

(2) All specimens, other individuals, seal products and regulated pelts are goods which are subject to customs supervision during crossing of state borders.

(3) During customs supervision over goods which is a specimen, the Customs Authorities shall:

- a) check whether the relevant specimen is accompanied by a CITES document or an analogous document issued by the relevant Member State of the European Community, or, optionally, by another prescribed document issued in accordance with the Convention ¹⁾,
- b) in co-operation with the Inspectorate and the Veterinary Administration Authority or a Phytosanitary Care Authority, check whether the specimen corresponds to the data stated on CITES documents according to letter a) and specified veterinary and phytosanitary conditions ³⁾,

- c) in co-operation with the Inspectorate and the Veterinary Administration Authorities, check whether transport of live specimens of animal origin is in accordance with the conditions for transport specified in documents according to letter a),
- d) proceed further according to relevant provisions of this Act (Section 34).

(4) The Customs Authorities shall forward collected documents to the Ministry within 15 days from the day of submission thereof to the Customs Authority at the latest, with the exception of the cases where the data from these documents are sent in electronic form.

(5) In the case of finding out of infringement of the legislation of the European Communities on the protection of endangered species ¹¹⁾ or of this Act, or in the case of doubts, the Customs Authority shall seize the specimen and shall inform the Inspectorate about it without delay. The Inspectorate shall assess the seized specimen preferentially at the place of seizure and shall determine whether it shall initiate proceedings on confiscation of the specimen (Section 34a) or whether the seized specimen shall be maintained in the seizure procedure for completion of the necessary checks according to this Act, and further dealing with the specimen, especially determination of destination of the specimen, completion of documents, and clarification of circumstances of the case, or shall return the specimen to the person who has had it in its holding. In the case that it shall not be possible to ensure assessment by the Inspectorate at the place of seizure within 8 hours from the seizure of a live specimen, the Customs Authority shall ensure placement thereof into a rescue centre and shall inform the Inspectorate. If the specimen is to be confiscated (Section 34a), there shall be proceeded in accordance with this Act and not in accordance with customs regulations ⁴¹⁾. In the case of seizure or confiscation of a specimen, the Inspectorate shall notify the relevant Veterinary Administration Authority or Phytosanitary Care Authority about this fact and shall transport and accommodate the specimen in accordance with the specified conditions according to other legal regulations ³⁹⁾.

(6) If the customs regulations are infringed, without infringement of the legislation of the European Communities on the protection of endangered species ¹¹⁾ or of this Act, and seizure of a specimen or confiscation of a specimen takes place according to the customs regulations, the Customs Authority shall ensure immediate placement of a live specimen of an animal or plant species, which is the confiscated goods, into a rescue centre. A specimen of a species threatened with extinction shall be further dealt with according to the recommendation of the Ministry.

(7) In the case of other individuals, if they do not have an export permit (Section 18), there shall be proceeded analogously as in the case of the specimens.

(8) The Customs Authority shall further check whether the import or transit of regulated pelts is carried out in accordance with the legislation of the European Communities on the protection of endangered species ⁷⁾ **and whether the import and placing on the market of seal products is carried out in accordance with the directly applicable legislation of the European Union on trade in seal products ⁶³⁾**. In the case that such goods are declared for customs procedure and their import or transit would cause an infringement of ~~this regulation~~ **those regulations**, the Customs Authority shall issue a decision of non-release of the goods for the proposed procedure, and shall, within a reasonable term, return them back into the country of export on the expense of the declarant of the goods. If the Customs Authority discovers import, ~~or transit~~ **or placing on the market** of such goods contrary to ~~this regulation~~ **those regulations**, it shall seize such goods in a procedure analogous to paragraph 5, and, optionally, it shall confiscate it according to a special legal regulation ⁴¹⁾. The Customs Authorities shall notify the Ministry about import or transit of these goods, and about the cases of return, seizure, and confiscation thereof.

(9) The Customs Authorities further check whether import ~~or transit~~ of seal products does not infringe the prohibition according to Section 19. In the case that such goods are declared for

customs procedure and their import ~~or transit~~ would cause an infringement of the prohibition according to Section 19, the Customs Authority shall issue a decision of non-release of the goods for the proposed procedure, and shall, within a reasonable term, return them back into the country of export on the expense of the declarant of the goods. If the Customs Authority discovers import ~~or transit~~ of such goods contrary to the prohibition according to Section 19, it shall seize such goods in a procedure analogous to paragraph 5, and, optionally, it shall confiscate it according to a special legal regulation ⁴¹). The Customs Authorities shall notify the Ministry about import ~~or transit~~ of these goods, and about the cases of return, seizure, and confiscation thereof.

(10) The Customs Authorities perform the checks according to paragraphs 3, 7, 8 and 9 in cooperation with the Inspectorate.

Section 27 Scientific Authority

(1) The Agency for Nature Conservation and Landscape Protection of the Czech Republic shall be the Scientific Authority ⁴²). The Agency for Nature Conservation and Landscape Protection of the Czech Republic is an organisational body of the state, established by the Ministry of the Environment, with its seat in Prague.

(2) The Scientific Authority shall:

- a) at a request of the Ministry, give opinion to a proposal for establishing or authorisation and contractual ensuring of a rescue centre,
- b) at a request of the Ministry, give opinion to registration of a breeding or propagation facility according to Section 29,
- c) at a request of the Registration Authority, issue an expert statement to the registration of a specimen and to issuance of a certificate of an exemption and gives opinion about the meeting of conditions during the granting of the exemption from the prohibition of commercial activities,
- d) within the limitation of its function as a Scientific Authority according to the Convention ¹), issue expert statements, and, optionally, perform further tasks on the basis of instructions of the Ministry, and provide further expert assistance at a request of competent state administration authorities according to this Act,
- e) collect expert data on the species of animals and plants, to which this Act applies, and prepare information for the Commission,
- f) co-operate with Scientific Authorities of Member Parties to the Convention ¹) and with the other international organisations in the field of nature conservation; co-operate, in co-action with the Ministry, with Management Authorities of Member Parties to the Convention ¹) and with the Secretariat of the Convention ¹),
- g) in co-action with the competent state administration authorities, according to this Act, collect, process and evaluate data on trade in the animal and plant species to which this Act applies, including the illicit trade, and propose recommendations for protection of the species, for regulation of trade therein, and for prevention of the illicit trade,
- h) at a request of the Ministry, issue a statement to grant of an exemption from the prohibition of hunting for cetaceans according to Section 20 paragraph 2.

Section 28

After receipt of proposals of recommendations of the Scientific Authority according to Section 27 paragraph 2 letter g), the Ministry shall forward this information, together with its statement to it, to the Commission.

Section 29

Natural persons having permanent residence on the territory of the Czech Republic and legal persons having seat on the territory of the Czech Republic may register a breeding or propagation operation with the Secretariat of the Convention ¹⁾, for the purpose of export of specimens in accordance with the Convention ¹⁾ and with the legislation of the European Communities on the protection of endangered species ⁴³⁾, through the Ministry.

Rescue centres

Section 29a

(1) Rescue centres are permanent facilities in which seized or confiscated live specimens are bred or grown.

(2) The Ministry shall administer and, in a way which enables distant access, make public the list of rescue centres, stating the taxons of live specimens which may be placed in a rescue centre.

Section 29b

(1) A rescue centre may be operated only on the basis of a permit from the Ministry. On the basis of authorisation by the Ministry, a rescue centre may be managed by an organisational body of the state; paragraphs 2 to ~~7~~ **8** shall be used adequately for the authorisation of the organisational body of the state to operate a rescue centre.

(2) The application for a permit to operate a rescue centre shall be submitted to the Ministry by a legal or natural person, who intends to operate the rescue centre.

(3) The application for the permit to operate a rescue centre must contain the following

- a) identification of the owner and the person applying for the operation of a rescue centre, if they are not identical,
- ~~b) extract from the police records proving the integrity of the applicant for the permit to operate a rescue centre, if the applicant is a natural person; in the case of a legal person, the condition of integrity applies to all members of the statutory body of the applicant; person with integrity is a person who meets conditions set out in Section 6 paragraph 2 letter b) of the Act on Zoological Gardens;~~
- ~~e) b)~~ an affidavit by the applicant for the permit to operate a rescue centre that he/she shall not, without the agreement of the depositor of seized specimens and the provisional custodian of confiscated specimens, provide information about these specimens to a third party,
- ~~d) c)~~ a list of the taxons of live specimens, which the applicant for the permit to operate a rescue centre, proposes to place in the facility,
- ~~e) d)~~ description of the facility and its capacity from the viewpoint of individual taxons or their groups, the way in which they will be housed from the viewpoint of health and suitable living conditions and measures taken to prevent the escape of specimens,
- ~~f) e)~~ a proposal for the operation instructions of the facility, which also contains contacts for persons responsible, who shall ensure the acceptance and release of seized and confiscated specimens, the number of expert personnel and the way regular veterinary or phytosanitary care shall be ensured,
- ~~e) f)~~ address where the rescue centre shall be operated.

(4) If the applicant for the permit to operate a rescue centre is a zoological garden with a license according to other legal regulation ²⁹⁾, the submission of a valid license supersedes the ~~formalities formality~~ of the application stated in paragraph 3 letter a) ~~and b)~~.

(5) A condition of permit to operate a rescue center is integrity of the applicant, if a natural person; if the applicant is a legal person, the condition of integrity applies to all members of the statutory body of the applicant; person with integrity is a person who meets conditions set out in Section 6 paragraph 2 letter b) of the Act on Zoological Gardens. Integrity is evidenced by an extract from the Criminal Records; for zoos is proof of integrity a valid license under another law ²⁹). The Ministry for the purpose of proving integrity shall require an extract from the Criminal Records according to a special legal regulation ⁶⁵). An application for the issue of an extract from the Criminal Records and an extract from the Criminal Records are transmitted electronically in a manner allowing remote access. A natural person who is not a citizen of the Czech Republic, demonstrates its integrity by an extract from records similar to the Criminal Records issued by the state of which the natural person is citizen, as well as by documents issued by the states in which that person resided for more than 3 months continuously during the last 3 years. A legal person that is located outside the territory of the Czech Republic, demonstrates its integrity by an extract from records similar to the Criminal Records issued by the state in which it is located if such state such documents issued, as well as by documents issued by the states in which that person did its business for more than 3 months during the last 3 years if such states such documents issued. If the state does not issue extracts or documents according to the fifth and sixth sentences, the natural or legal person submits to the Ministry an affidavit about its integrity.

~~(5)~~ **(6)** The Ministry shall, within the proceedings of the issuance of the permit to operate a rescue centre, request a statement of the Scientific Authority and the Inspectorate and a binding statement ⁴³) of the State Phytosanitary Administrative Authority or the State Veterinary Administrative Authority of the Czech Republic.

~~(6)~~ **(7)** A participant of the administrative procedure for the operation of the rescue centre is also the municipality where the rescue centre shall be operated.

~~(7)~~ **(8)** The decision on the permit to operate a rescue centre shall contain a list of taxons which will be placed in the rescue centre, specification of the facility's capacity and obligations, eventually conditions under which the permit shall be issued.

Section 29c

(1) The operator of a rescue centre shall be obliged to:

- a) keep entrusted specimens in conditions which ensure their biological demands and requirements, their health and welfare, and ensure care for entrusted specimens by competent persons,
- b) effectively prevent the entrusted specimens from escaping,
- c) effectively prevent the spreading of parasites and diseases sources by taking suitable technical and anti-infectious measures,
- d) keep ~~written~~ records on specimens; the records shall contain primarily data regarding the state of health of specimens, data regarding performed veterinary examinations, eventually data regarding the disposal of dead specimens,
- e) submit at the request of the Inspectorate, Ministry, Veterinary Administrative Authority, Phytosanitary Administrative Authority or the Customs Authority, the ~~written~~ records of specimens,
- f) submit at the request of the Ministry or the Inspectorate, the statement of essential costs for the care of entrusted live specimens, no longer than 15 days from the day of taking delivery of the written request.

(2) The amount of reimbursement of costs of care for a group of species – specimens, which includes the cost of feed, energy and breeding care with the exception of health care, shall be set out by an implementing legal regulation.

Section 29d

(1) The Ministry may, by a preliminary ruling, stop the operation of a rescue centre in the case of a serious violation of other legal regulations on nature protection, protection of animals against cruelty, veterinary or phytosanitary.

(2) The Ministry may, acting on its own incentive or on the incentive of the operator of a rescue centre, alter or cancel the permit to operate a rescue centre, if the conditions, based on which the permit was issued, have changed or ceased to be in force, especially if the rescue centre has ceased to fulfil its function or been made redundant or if the operator of the rescue centre violates the regulations of this Act or the regulations for the protection of animals against cruelty¹³). If it is necessary, the Ministry in the decision to cancel or alter the permit to operate a rescue centre, shall stipulate the way how further care of live specimens found in the rescue centre is to be ensured.

(3) The permit to operate a rescue centre shall cease to be in force, if a license for a zoological garden, which operated a rescue centre, has been cancelled or ceased to be in force.

CHAPTER IX CONTROL OF OBSERVANCE OF THE ACT, SEIZURE AND CONFISCATION

Section 30 **Control**

(1) The Inspectorate shall perform control of observance of the legislation of the European Communities on the protection of endangered species³⁴) and of this Act, shall impose measures to ensure duties ensuing therefrom, shall find out identities of persons responsible for infringement thereof, shall impose fines, and, optionally, shall seize or confiscate specimens according to this Act. This shall not influence the competence of the Customs Authorities ensuing from customs regulations⁴¹), unless set out otherwise by this Act. **Inspection also controls the issuing of attesting documents by a recognized body established and active in the Czech Republic under the directly applicable legislation of the European Union on trade in seal products⁶⁴).**

(2) During performance of the control, the Inspectorate is entitled to:

- a) enter buildings, breeding and propagation operations, facilities and operations serving to business or performance of other commercial activities, and lands of the owner or holder of a specimen, another individual, a seal product or regulated pelt, or lands of the controlled persons, if this is necessary for performance of the control,
- b) require the controlled person, who deals with a specimen, another individual, a seal product or regulated pelt, to provide explanation, present relevant documents proving origin of the specimen, and furnish proof of the relevant data,
- c) in substantiated cases, retain documents; it must confirm in writing retaining thereof to the controlled person, and let the controlled person have copies of the retained documents or send him/her these copies without delay,
- d) in a substantiated case, collect samples from the specimen, other individual, seal product or regulated pelt, free of charge, for the purposes of identification, or enable the holder to collect samples, in the presence of an inspector, by him/herself or by a third party,
- e) examine a specimen, another individual, a seal product or regulated pelt, including procurement of photographic documentation or video documentation,
- f) verify identity of the specimen or another individual according to marking or identification.

(3) A minutes shall be made of the performed control, which shall contain a record of acts carried out by the Inspectorate according to paragraph 2.

(4) A person dealing with a specimen, another individual, a seal product or regulated pelt, shall be also obliged to enable the Inspectorate performing the control to check identification marking to determine the identity of the specimen, and to perform other acts necessary for determination of identity thereof. This person shall be further obliged to enable the Inspectorate performing the control to perform analysis of blood or tissue or a part of the specimen or other individual, to establish the ancestral origin (ancestors) of the specimen and to enable ensuring and collecting of necessary samples.

(5) The duties of the Inspectorate shall be performed by inspectors. Inspectors shall prove their identity with an official identity card of the Inspectorate, which is also a document that authorises them to perform control ⁴³).

(6) The Inspectorate shall be authorised, in case this act or regulation on trade in endangered species ⁹) has been violated, to order a limitation or a stopping of activities until the causes and shortcomings have been removed. The Inspectorate may ask the operator of a distant mean of communication to remove an advertisement which is in contravention of Section 23b.

Section 30a

(1) Persons, who will not allow the Inspectorate to perform control according to Section 30, not provide explanation, not submit relevant documents, not produce necessary data, not allow examination or collection of a sample and a sample concerning the specimen, another individual, a seal product or regulated pelt, may incur a fine of up to 200 000 CZK.

(2) A fine may be imposed repeatedly. The sum of such imposed fines shall not exceed 2 000 000 CZK. The fine shall be an income of the state budget.

Section 31 and 32 repealed

Section 33

(1) The Ministry may reject the application for issuance of a CITES document for the purposes of import, export or re-export of a specimen, of a person who was effectively found guilty of an offence or responsible for another administrative tort according to this Act, or, optionally, from whom a specimen was confiscated according to this Act, within the period of up to 2 years from the day of entering into legal effect of such decision.

(2) The Ministry may reject the application for issuance of a CITES document for the purposes of import, export or re-export of a specimen, of a person who was effectively sentenced for a crime according to another legal regulation ⁴⁸), up to the time of obliteration of the sentence ⁴⁹).

Section 34

Seizure of a specimen

(1) In case the Inspectorate or the Customs Authority find infringement of the legislation of the European Communities on the protection of endangered species or of this Act, or if these authorities have doubts about the origin of a specimen, legal handling thereof, the authenticity or validity of a permit or certificate, or whether the specimen belongs to a species or populations, whose import, export, re-export, transit or commercial activities are restricted or prohibited or whose holding is prohibited, the Inspectorate or the Customs Authority shall seize the specimen. The Inspectorate or the Customs Authority may seize the specimen together with the portable equipment in which the specimen is placed at the time of seizure. Persons, whose specimen is seized, shall be obliged to

release the specimen to the Inspectorate or the Customs Authority. If he/she fails to release the specimen, the specimen may be removed from such persons.

(2) The seizure of a specimen by the Customs Authority shall, without delay, be reported to the Inspectorate. The Inspectorate shall hand over the seized live specimen to a rescue centre. The Inspectorate shall inform a relevant Veterinary Administration or Phytosanitary Care Authority about the seizure of a live specimen and its transfer to a rescue centre. In justified cases, it is possible to leave a seized specimen in the care of its holder, who shall provide only necessary care and not handle the specimen without the agreement of the Inspectorate.

(3) The Customs Authority or the Inspectorate shall issue a written certificate about the seizure of a specimen to the person from whom it has been seized. The Inspectorate shall inform the Ministry about the seizure of the specimen. In case the Inspectorate seizes a specimen or accepts a seized specimen from a Customs Authority, the Inspectorate shall initiate proceedings regarding the seizure of a specimen within 30 days from the day of the seizure of the specimen and that only in case the doubts, according to paragraph 1, have not been cleared. In order to clarify the doubts, the Customs Authority or the Inspectorate may request from the owner, long-term holder, holder or carrier of specimens, the submission of necessary documents, certificates, eventually, an expert opinion from an authorised expert, or it may procure an expertise on its own accord. In case the doubts prove to be unsubstantiated, the relevant authority shall be obliged to return these specimens to the owner or authorised holder or carrier including all the seized documents.

Section 34a

Confiscation of a specimen

(1) The Inspectorate shall confiscate an illicitly acquired, imported, exported, re-exported or held specimen, a specimen which was not registered according to Section 23, or a specimen whose origin was not proved in accordance with Section 24 of the Act. Only in well-founded cases and unless it is in contravention of other legal regulations, the Inspectorate may refrain from confiscation. The Inspectorate shall proceed in the same way in case the legislation of the European Communities on the protection of endangered species²⁾ was violated. The Inspectorate shall issue a decision of confiscation within 90 days from the day the proceeding on confiscation was started. In well-founded cases the Ministry can reasonably extend this period of time with respect to the requirements of the examination. An appeal against this decision does not have a suspensive effect.

(2) In the case that a postal or other consignment comprises specimens, dealing with which is limited or prohibited in accordance with the legislation of the European Communities on the protection of endangered species or with this Act, and there is a reasonable suspicion that the Act or the legislation of the European Communities on the protection of endangered species has been infringed, and the consignee refuses, in writing, to accept the consignment, the Inspectorate or the Customs Authority shall seize the specimen with procedure in accordance with Section 34. Subsequently, the Inspectorate shall initiate the proceedings on confiscation with the last known holder of the consignment.

(3) A confiscated specimen shall be also a specimen which was confiscated abroad because of infringement of the Convention, and which was forwarded by an authority of that state to the Ministry in accordance with the Convention. The confiscated specimens must not be returned to the person from whom they were confiscated, not even through mediation of a third party. If a specimen is returned contrary to this provision, the Inspectorate shall again confiscate such specimen.

(4) The costs related to the care of a seized specimen until an effective decision on confiscation thereof, or return thereof is made, shall be refunded by the person from whom the specimen was seized and who infringed the legislation of the European Communities on the protection of

endangered species or this Act. The Inspectorate shall quantify these costs on the basis of ~~data provided by a billing by the operator of the rescue centre~~ where the specimen was accommodated, and shall impose, in a decision, refunding thereof on this person who the specimen was seized from. This refund is an income of the State Environmental Fund of the Czech Republic.

(5) The costs related to seizure and further dealing with the specimen, borne by the administrative authority or which this authority must bear before it can quantify them and collect according to paragraph 4, are refunded by the Ministry.

(6) The Inspectorate shall send the Ministry the decision on confiscation of the specimen within 10 days from the day this decision came into effect. At the same time, the Inspectorate shall inform the Ministry about where the specimen is on the day of entering into effect of this decision.

(7) The state shall become the owner of a specimen confiscated on the basis of an effective decision according to this Act, wherein the Ministry shall be competent of dealing with the specimen. The Ministry shall determine, within 3 months from the day of legal effect of the decision on confiscation, how the specimen will be further treated, wherein it may delegate the competence of dealing with the specimen to another organisational body of the state or legal person, or, in substantiated cases, it may also transfer the specimen into possession of an appropriate person.

(8) In the case of a long-term loan for a period longer than 90 days, renting, sale or another transfer of a confiscated specimen, which became the possession of the state according to paragraph 7, the Ministry shall issue, for the borrower, renter, or new acquirer, a certificate of origin of the confiscated specimen, on a form set out by the Ministry by an implementing legal regulation.

Section 34b

Provisions about seizure and confiscation of a specimen shall apply analogously to seizure or confiscation of regulated pelt, seal product or another individual.

CHAPTER X ADMINISTRATIVE TORTS

Section 34c Offences

(1) A natural person commits offence by:

- a) using a false, falsified, altered or invalid permit or certificate, in contravention of this Act or the legislation on trade in endangered species⁹⁾,
- b) failing to submit an import notification for a specimen, in contravention of the legislation on trade in endangered species²⁷⁾, to the competent authority,
- c) failing to inform, as an applicant, in contravention of the legislation on trade in endangered species⁵⁰⁾, the competent authority, to which he submits his application, about previous rejection of his application for a permit or certificate according to the Act or the legislation on trade in endangered species,
- d) failing to comply with the conditions specified on a permit or certificate issued in accordance with regulations on trade in endangered species⁹⁾ or with this Act, or on a registration document,
- e) keeping, acquiring, donating, selling or offering for sale a registration document or a certificate of exemption from the prohibition of commercial activities concerning a specimen which does not physically exist,
- f) selling or offering for sale a specimen in contravention of Section 23b paragraphs 1 to 3, or failing, as an operator of a place or a distant mean of communication through which specimens

are offered for sale or sold, to ensure publishing of the obligatory information according to Section 23b paragraph 4,

- g) failing, as an operator of a distant mean of communication, to remove an advertisement according to Section 23b paragraph 4, or
- h) failing to maintain breeding records of the specimen in the cases stipulated in Section 24 paragraph 7.

(2) A natural person commits offence when:

- a) as an owner or a long-term holder of an imported specimen, another individual, cetacean product, seal product or regulated pelt, in contravention of Section 24 paragraph 4, fails to hand over, during the transfer of the ownership rights to the specimen, loan or rent of the specimen, the original of the relevant CITES document or a similar document on import, as required by the legislation on trade in endangered species ⁹⁾ or this Act, to the new owner or holder,
- b) as a person, whose specimen, another individual, cetacean product, seal product or regulated pelt was seized or confiscated and left in his care, deals illicitly with such specimen, another individual, cetacean product, seal product or regulated pelt,
- c) deals with a specimen of a species threatened with extinction in contravention of the import permit or another authorisation issued according to this Act or according to the legislation on trade in endangered species ⁹⁾,
- d) uses a permit or certificate according to the legislation on trade in endangered species ⁹⁾ or a registration document with a specimen, another individual, seal product or regulated pelt other than the one for which this document was issued,
- e) as an applicant, provides knowingly a false declaration or false or incomplete information in order to obtain a permit, certificate or a registration document according to this Act or according to the legislation on trade in endangered species ⁹⁾,
- f) imports or performs transit of a regulated pelt in contravention of the directly applicable regulation of the European Communities ⁷⁾,
- g) exports **or attempts to export** any specimen without a permit in contravention of Section 18 paragraph 1,
- h) imports a seal product ~~or performs transit thereof~~ in contravention of Section 19 **or the directly applicable legislation of the European Union on trade in seal products ⁶³⁾**,
- i) exports an artificially propagated specimen of a plant species in contravention of the legislation on trade in endangered species ⁴⁴⁾ or Section 17 **or attempts such export**, or
- j) as an owner or a long-term holder of a specimen fails to register the specimen within the specified term according to Section 23, fails to notify the authorities about changes pertinent to the registered specimen or changes of the specimen according to Section 23a, fails to ensure that the specimen is always accompanied by its registration document or, possibly, other documents stipulated in Section 23 paragraph 2, or fails to mark the specimen according to Section 23c.

(3) A natural person commits offence when:

- a) imports, exports, **attempts to export**, ~~or~~ re-exports **or attempts to re-export** a specimen into the Czech Republic or from the Czech Republic or mediates import of the specimen or deals with the specimen in contravention of this Act or the legislation on trade in endangered species ⁹⁾,
- b) sends specimens into the Czech Republic or from the Czech Republic, and performs transit thereof through the territory of the Czech Republic in contravention of this Act or the legislation on trade in endangered species ⁹⁾,
- c) purchases, offers to purchase, sells, keeps for the purposes of sale, offers for sale or transports for the purposes of sale a specimen in contravention of this Act or the legislation on trade in endangered species ⁹⁾,
- d) falsifies a registration document or alters in order to use it as a genuine one, or uses such document as a genuine one for the purpose of sale or obtaining of a permit, certificate or registration document,
- e) violates the ban on hunting for cetaceans stipulated in Section 20 paragraph 1, or

- f) in the cases stipulated in Section 24 fails to prove the legal origin of a specimen or the legal origin of another individual, to which this Act applies, or the origin of a regulated pelt or a seal product.

(4) A fine may be imposed up to the amount of

- a) 100 000 CZK for an offence according to paragraph 1,
- b) 500 000 CZK, for an offence according to paragraph 2,
- c) 1 500 000 CZK, for an offence according to paragraph 3.

Section 34d

Administrative torts of legal persons and natural persons performing business activities

(1) A legal person or a natural person performing business activities commits an administrative tort by:

- a) using a false, falsified, altered or invalid permit or certificate, in contravention of this Act or the legislation on trade in endangered species ⁹⁾,
- b) failing to submit an import notification for a specimen, in contravention of the legislation on trade in endangered species ²⁷⁾, to the competent authority,
- c) failing to inform, as an applicant, in contravention of the legislation on trade in endangered species ⁵⁰⁾, the competent authority, to which he submits his application, about previous rejection of his application for a permit or certificate according to the Act or the legislation on trade in endangered species,
- d) failing to comply with the conditions specified on a permit or certificate issued in accordance with regulations on trade in endangered species ⁹⁾ or with this Act, or on a registration document,
- e) keeping, acquiring, donating, selling or offering for sale a registration document or a certificate of exemption from the prohibition of commercial activities concerning a specimen which does not physically exist,
- f) selling or offering for sale a specimen in contravention of Section 23b paragraphs 1 to 3, or failing, as an operator of a place or a distant mean of communication through which specimens are offered for sale or sold, to ensure publishing of the obligatory information according to Section 23b paragraph 4,
- g) failing, as an operator of a distant mean of communication, to remove an advertisement according to Section 23b paragraph 4, or
- h) failing to maintain business records or breeding records of the specimen in the cases stipulated in Section 24 paragraph 7.

(2) A legal person or a natural person performing business activities commits an administrative tort when:

- a) as an owner or a long-term holder of an imported specimen, another individual, cetacean product, seal product or regulated pelt, in contravention of Section 24 paragraph 4, fails to hand over, during the transfer of the ownership rights to the specimen, loan or rent of the specimen, the original of the relevant CITES document or a similar document of import, as required by the legislation on trade in endangered species ⁹⁾ or this Act, to the new owner or holder,
- b) as a person, whose specimen, another individual, cetacean product, seal product or regulated pelt was seized or confiscated and left in his care, deals illicitly with such specimen, another individual, cetacean product, seal product or regulated pelt,
- c) deals with a specimen of a species threatened with extinction in contravention of the import permit or another authorisation issued according to this Act or according to the legislation on trade in endangered species ⁹⁾,
- d) uses a permit or certificate according to the legislation on trade in endangered species ⁹⁾ or a registration document with a specimen, another individual, seal product or regulated pelt other than the one for which this document was issued,

- e) as an applicant, provides knowingly a false declaration or false or incomplete information in order to obtain a permit, certificate or a registration document according to this Act or according to the legislation on trade in endangered species 9),
- f) imports or performs transit of a regulated pelt in contravention of the directly applicable regulation of the European Communities 7),
- g) exports any specimen without a permit in contravention of Section 18 paragraph 1,
- h) imports a seal product ~~or performs transit thereof~~ in contravention of Section 19 **or the directly applicable legislation of the European Union on trade in seal products 63)**,
- i) exports an artificially propagated specimen of a plant species in contravention of the legislation on trade in endangered species 44) or Section 17, or
- j) as an owner or a long-term holder of a specimen fails to register the specimen within the specified term according to Section 23, fails to notify the authorities about changes pertinent to the registered specimen or changes of the specimen according to Section 23a, fails to ensure that the specimen is always accompanied by its registration document or, possibly, other documents stipulated in Section 23 paragraph 2, or fails to mark the specimen according to Section 23c.

(3) A legal person or a natural person performing business activities commits an administrative tort when:

- a) imports, exports or re-exports a specimen into the Czech Republic or from the Czech Republic or mediates import of the specimen or deals with the specimen in contravention of this Act or the legislation on trade in endangered species 9),
- b) sends specimens into the Czech Republic or from the Czech Republic, and performs transit thereof through the territory of the Czech Republic in contravention of this Act or the legislation on trade in endangered species 9),
- c) processes, packages or re-packages caviar without a licence or labels a container with caviar in contravention of regulations on trade in endangered species 22d) or trades in caviar in contravention of this Act or regulations on trade in endangered species,
- d) falsifies a registration document or alters in order to use it as a genuine one, or uses such document as a genuine one for the purpose of sale or obtaining of a permit, certificate or registration document,
- e) purchases, offers to purchase, acquires for commercial purposes, displays to the public for commercial purposes, mediates sale, uses for commercial gain and sale, sells, keeps for the purposes of sale, offers for sale or transports for the purposes of sale a specimen in contravention of the legislation on trade in endangered species or this Act,
- f) violates the ban on hunting for cetaceans stipulated in Section 20 paragraph 1, or
- g) in the cases stipulated in Section 24 fails to prove the legal origin of a specimen or the legal origin of another individual, to which this Act applies, or the origin of a regulated pelt or a seal product.

(4) A fine shall be imposed up to the amount of

- a) 100 000 CZK for an administrative tort according to paragraph 1,
- b) 500 000 CZK for an administrative tort according to paragraph 2,
- c) 1 500 000 CZK for an administrative tort according to paragraph 3.

Section 34e

Common provisions to administrative torts

(1) A legal person shall not be responsible for an administrative tort if he proves that he made all the effort, which could have been required, in order to prevent from infringement of obligations.

(2) When imposing the fine on a legal person, the following shall be taken into consideration:

- a) the way and circumstances of committing the administrative tort, the importance and extent of consequences thereof, duration of the illicit activities or illicit situation caused by the tort,

- b) whether and how the culprit endeavoured to eliminate or mitigate the detrimental consequences of the tort,
- c) how the culprit co-operates with the competent authorities during the clarification of the tort he committed,
- d) whether the culprit met duly and in time the obligation imposed on him in order to eliminate the discovered shortcomings or to perform measures for rectification.

(3) The responsibility of a legal person for an administrative tort ceases to exist if the administrative authority did not institute proceedings about it within 1 year from the time this administrative authority learned about this administrative tort, however, at the latest within 3 years from the day it was committed.

(4) Administrative torts according to Sections 34c and 34d are dealt with on the first level by the Inspectorate.

(5) The provisions of this Act of responsibility and recourse of a legal person shall apply to responsibility for conduct during business activities by a natural person⁵¹⁾ or in direct connection thereof.

(6) The fine according to Section 34c and 34d shall be due within 30 days from the day of entering into legal effect of the decision imposing the fine. The fine shall be an income of the State Environmental Fund⁴⁵⁾. The fine shall be collected by the authority by which it has been imposed and it shall be exacted by the competent customs office.

CHAPTER XI RECORDS, REPORTS AND INFORMATION

Section 35

(1) The Ministry shall maintain records of applicants for import, export or re-export of specimens and other documents, which the Ministry issues according to this Act, and other records and registrations according to this Act. The Ministry shall maintain and administer a central **database register** of permits, certificates and registration documents issued by the Ministry or Regional Administrative Authorities for the purposes of import, export, re-export or other dealing with the specimens, and a database of received documents of foreign countries and of issued certificates for the purposes of proving an authorised import. The Ministry also maintains and administers a **database register** of specimens seized and confiscated by the Inspectorate according to Section 34 paragraph 5. The **databases records** shall comprise all data necessary for drawing up of reports according to paragraph 2, and data proving identities of an exporter and importer. ~~The records of applicants for export, re-export and import of specimens, including file documents of the applications and other records and registrations according to this Act shall be maintained for the period of 5 years from the day of filing of the application, the other databases shall be maintained in electronic form for the period of at least 10 years, according to other legal regulations⁵²⁾.~~ **Data from the records of applicants for import, export or re-export of specimens, including file documents, and data from other records and registration under this Act shall be kept for 5 years from the application, other data in the register shall be kept for 10 years.**

(2) The Ministry shall draw up reports according to the requirements of the Convention¹⁾ with an overview of the recorded export, re-export and import of specimens, on the basis of an extract from the **databases records** according to paragraph 1. The annual report shall not include personal data of exporters and importers. The annual report shall be issued in the Czech and English languages, and on the day of issuance, it shall be made available to the public.

(3) The Ministry shall further draw up reports according to the legislation of the European Communities on the protection of endangered species⁵³).

(4) The authorities issuing exemption from the prohibition of commercial activities according to Section 15a and performing registration of specimens according to Section 23 shall ~~maintain-store~~, according to special legal regulations⁵²), copies of issued documents in paper form, or data there from in electronic form, for the period of at least 5 years from death, permanent export from the Czech Republic or destruction of the specimen. The issuing authorities shall forward the data about issued confirmations of exemption from the prohibition of commercial activities and certificates of registration in electronic form to the central ~~database~~ **register** maintained by the Ministry according to paragraph 1.

(5) The competent authorities shall provide the data from the ~~maintained~~ **stored** documents and ~~databases~~ **records** according to paragraphs 1 to 4, including data on exporters and importers and data on registered specimens and owners thereof, or, optionally, long-term holders thereof, to the necessary extent, at a request, to the authorities according to Section 25, to the Scientific Authority, to Authorities for the Protection of Animals, and to the Police of the Czech Republic. The Ministry may, in accordance with a special legal regulation⁵⁴), provide the data according to paragraph 1, to the necessary extent, also to the Secretariat of the Convention¹), to competent authorities of foreign countries according to the Convention¹) and to the Commission.

(6) The Ministry, Regional Administrative Authorities, Scientific Authority, Ministry of Finance, Inspectorate, Customs Authorities, Veterinary Administration Authorities, Authorities for the Protection of Animals, Phytosanitary Care Authorities, and the Police of the Czech Republic shall be obliged to provide, to each other, at a request and to the necessary extent, the data they have at their disposal, including personal data, which relate to the performance of control activities according to Section 30.

(7) The Inspectorate shall maintain records of persons found, by effective decisions, guilty of offences or responsible for administrative torts according to this Act, and shall maintain, according to special legal regulations⁵²), file documents concerning proceedings on offences or administrative torts or according to this Act for the period of at least 5 years. The records shall comprise data proving identities of persons effectively found guilty of offences or responsible for administrative torts.

(8) The employees of authorities according to paragraph 5 shall be obliged to keep secrecy in relation to third persons about facts they became acquainted with when performing tasks according to the legislation of the European Communities on the protection of endangered species³⁴) or to this Act, or in connection therewith, and which require, in the interest of ensuring the tasks according to the legislation of the European Communities on the protection of endangered species³⁴) or to this Act, or in the interest of third persons, to be kept secret from unauthorised persons. This obligation shall last also after ending of the employment.

(9) The provisions of paragraph 8 shall not influence the obligation to keep secrecy according to a special act⁵⁴).

Section 35a

[According to the Section 45 paragraph 2, the provisions of Section 35a ceases to be valid from 30th June, 2010. On the same date the Section 25a entered into effect and replaced the provisions of the ceased Section 35a.]

CHAPTER XII COMMON AND TEMPORARY PROVISIONS

Section 36

In the case of a specimen which was registered according to Section 22 of the Act No. 16/1997 Coll., on the Conditions of Import and Export of Endangered Species of Wild Fauna and Flora and on Further Measures for Protection of These Species and on Amendment and Completion of the Act No. 114/1992 Coll., on the Nature and Landscape Protection, in the wording of later regulations, in the period till the day of entry of this Act into force, the registration document issued by a competent Registration Authority in the stated period shall be valid as a certificate of registration also henceforth. Such registration document is valid only on the territory of the Czech Republic.

Section 37

(1) A permit issued in accordance with the legislation of the European Communities on the protection of endangered species ³⁴⁾ or with this Act, or a registration, shall not substitute for a permit, or, optionally, measures, issued according to other legal regulations ⁵⁵⁾.

(2) A permit issued in accordance with the legislation of the European Communities on the protection of endangered species ³⁴⁾ or with this Act, shall not substitute for an exemption from the prohibition of breeding in the case of specially protected species according to another legal regulation ⁵⁶⁾.

(3) The CITES document (Section 21 paragraph 1), certified copy of the CITES document issued by a Regional Administration Authority in accordance with Section 24 paragraph 5, certificate of the Ministry for the purposes of proving legal import (Section 22 paragraph 3), exemption from the prohibition of commercial activities with the specimen ¹⁰⁾, decision of the Ministry on export permit of an individual of a specially protected species (Section 18), and certificate of origin of a confiscated specimen (Section 23 paragraph 8, Section 34a paragraph 8), shall be public documents.

(4) Public documents shall be also:

- a) a document analogous to documents according to paragraph 3, issued by a competent Management Authority of another Member State of the European Communities,
- b) a document issued by a competent authority of another state than a Member State of the European Communities for a specimen according to the Convention ¹⁾,
- c) a certificate for regulated pelts issued by a competent authority of another state than a Member State of the European Communities.

Section 38

~~(1) Proceedings conducted according to this Act shall be governed by the Administrative Code ⁵⁷⁾, unless set out otherwise by this Act.~~

~~(2) (1) Time limits for issuance of permits and certificates set out by the Commission according to the legislation of the European Communities on the protection of endangered species ⁵⁸⁾ shall apply to proceedings concerning specimens, conducted according to this Act.~~

~~(3) (2) Exceptions from provisions of paragraphs 1 and 2 shall be issuance of registration documents according to Section 23 paragraph 3, and certificates of origin of a confiscated specimen according to Section 23 paragraph 8, and Section 34a paragraph 8; in these cases, the application for the document or certificate must be processed within 30 days from the day of receipt of the application, possibly from the day of supplementing of the application with necessary particulars or,~~
Addendum No. 2 (English translation of the Act No. 100/2004 Coll. 1-2-2012)/36

in the case of certificates of origin of a confiscated specimen, from the day of transferring of the specimen from the Ministry to another borrower, renter, or new acquirer.

Section 38a

Changes and cancellation of decisions

A decision issued according to the legislation on trade in endangered species ⁹⁾ and this Act can be changed or cancelled by the Ministry if

- a) the decision was issued on the basis of a false premise that the conditions for its issuance were met ^{58a)},
- b) there is a change of circumstances that are decisive for issuance of such a decision,
- c) the authorized person fails to comply with conditions of the decision or duties stipulated therein, or
- d) during the activities carried out on the basis of the decision, provisions of this Act, or the legislation of the European Communities on the protection of endangered species, are violated, or there is a substantial damage of other rightful interests in protection of endangered species.

Section 39

Filing of an application for a permit or certificate, with the exception of a certificate authorising movement in accordance with the legislation of the European Communities on the protection of endangered species ³⁴⁾ or with this Act, shall be subject to an official fee, if its amount is set out by another legal regulation ⁵⁹⁾. In cases deserving a special regard (for example if the import, export or re-export contributes to preservation of the species), the Ministry may forgive the fee, at a request. Such request for forgiveness of the fee shall not be subject to an official fee.

Section 40

(1) A person who deals with a specimen or another individual, a seal product or regulated pelt, shall be obliged, for the purposes according to Sections 24, 26, and 30, to provide explanation, present relevant documents, and furnish proof of the other relevant data to the Inspectorate, Customs Authorities or other authorities according to this Act, and to stand examinations and collecting of samples concerning the specimens, other individuals, seal products and regulated pelts.

(2) The state shall be responsible for a damage caused by the workers of the authorities performing control according to Section 26 or Section 30 in connection with performing their tasks; this shall not apply if this is a damage caused to a person who, by its illicit action, gave cause to a justified and adequate intervention. In this case, there shall be proceeded according to another legal regulation ⁶⁰⁾.

Section 41

The proceedings initiated before the day of entry of this Act into force shall be completed in accordance with the prior legal regulations.

Section 42

Empowering to issuance of an implementing legal regulation

The Ministry shall issue a decree for implementation of **Section 1 paragraph 2 letter c)**, Section 3 paragraphs 7 and 9, Section 15a paragraph 4, Section 15c paragraph 3, **Section 16**, **Section 16b paragraph 8**, Section 17, Section 18 paragraph 1, **Section 22 paragraph 5**, **Section 23 paragraph 1 letter a)**, Section 23 paragraphs 3, 8 and 9, Section 23a paragraph 6, Section 23b paragraph 5, Section 23c paragraph 5, Section 23d paragraph 8, Section 24 paragraphs 2 and 9, Section 25 paragraph 2 letter m), **Section 29c paragraph 2**, and Section 34a paragraph **7 8**.

PART TWO
Amendment of the Act on the Conditions
of Import and Export of Endangered Species of Wild Fauna and Flora
and on Further Measures for Protection of These Species

Section 43

In the Act No. 16/1997 Coll., on the Conditions of Import and Export of Endangered Species of Wild Fauna and Flora and on Further Measures for Protection of These Species and on Amendment and Completion of the Act No. 114/1992 Coll., on Nature and Landscape Protection, in the wording of later regulations, parts one to seven shall be repealed.

PART THREE
Amendment of the Act on Nature and Landscape Protection

Section 44

[See the updated version of the Act No. 114/1992 Coll., on Nature and Landscape Protection.]

PART FOUR
ENTRY INTO FORCE

Section 45

(1) This Act shall enter into force on the day of entry into force of the agreement on accession of the Czech Republic to the European Union.

(2) The provision of Section 35a ceases to be valid from 30th June, 2010.

Zaorálek in his own hand

Klaus in his own hand

Špidla in his own hand

[Footnotes:]

- ¹) Promulgated under No. 572/1992 Coll.
- ²) Council Regulation (EC) No. 338/97 of December 9, 1996 on the protection of species of wild fauna and flora by regulating trade therein, and further regulations of the European Communities issued on the basis thereof, especially Commission Regulation (EC) No. 865/2006.
Council Regulation (EEC) No. 348/81 of January 20, 1981 on common rules for import of whales or other cetacean products.
Council Regulation (EEC) No. 3254/91 of November 4, 1991 prohibiting the use of leghold traps in the Community and the introduction into the Community of pelts and manufactured goods of certain wild animal species originating in countries which catch them by means of leghold traps or trapping methods which do not meet international humane trapping standards, and further regulations of the European Community issued on the basis thereof, especially Commission Regulation (EC) No. 35/97, Commission Regulation (EC) No. 2087/2001, Council Decision No. 97/602/EC.
Council Directive No. 83/129/EEC of March 28, 1983 concerning the importation into Member States of skins of certain seal pups and products derived therefrom.
- ³) Annexes A – D to Council Regulation (EC) No. 338/97.
Annex to Council Regulation (EEC) No. 348/81.
Annexes I and II to Council Regulation (EEC) No. 3254/91.
- ⁴) Section 48 paragraph 3 of Act No. 114/1992 Coll., on Nature and Landscape Protection.
- ⁵) Annex A to Council Regulation (EC) No. 338/97.
- ⁶) Annex to Council Regulation (EEC) No. 348/81.
- ⁷) Council Regulation (EEC) No. 3254/91.
- ⁸) Art. 2(t) of Council Regulation (EC) No. 338/97.
- ⁹) Council Regulation (EC) No. 338/97.
Commission Regulation (EC) No. 865/2006 of 4 May 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.
- ^{9a}) For example Act No. 166/1999 Coll., on veterinary care and amendments of related laws (the Veterinary Act) in the wording of later regulations, Section 46 of Decree No. 382/2003 Coll., on veterinary requirements on trade in animals and on veterinary conditions of import of animals from third countries.
- ¹⁰) Article 8 of Council Regulation (EC) No. 338/97.
- ¹¹) Chapter VII and VIIIa of Commission Regulation (EC) No. 865/2006.
- ^{11a}) Act No. 634/2004 Coll., on administrative fees, in the wording of later regulations.
- ^{11b}) Art. 12 of Council Regulation (EC) No. 338/97.
- ¹²) Art. 4(1) of Council Regulation (EC) No. 338/97.
- ¹³) For example, Act No. 246/1992 Coll., on the protection of animals against cruelty, in the wording of later regulations.
- ¹⁴) Art. 4(2) of Council Regulation (EC) No. 338/97.
- ¹⁵) Art. 5(1 and 2) of Council Regulation (EC) No. 338/97.
- ¹⁶) Art. 5(1 and 3) of Council Regulation (EC) No. 338/97.
- ¹⁷) Chapter XIII of Commission Regulation (EC) No. 865/2006.
- ¹⁸) Art. 5(4) of Council Regulation (EC) No. 338/97.

- ¹⁹) Art. 4(3 and 4), Art. 5(4) of Council Regulation (EC) No. 338/97.
- ²⁰) Art. 9 of Council Regulation (EC) No. 338/97.
- ^{20a}) Section 56 and 5b of Act No. 114/1992 Coll., on Nature and Landscape Protection, as results from amendments effected by Act No. 16/1991 Coll. and Act No. 218/2004 Coll.
- ^{20b}) Art. 8(3) of Council Regulation (EC) No. 338/97.
- ^{20c}) Art. 9(2) of Council Regulation (EC) No. 338/97.
- ^{20d}) Chapter XIII of Commission Regulation (EC) No. 865/2006.
- ²¹) Art. 7(1)(b)(ii and iii) of Council Regulation (EC) No. 338/97.
- ²²) Art. 7(1)(b)(ii) and 7(4) of Council Regulation (EC) No. 338/97.
- ^{22a}) Art. 18 of Commission Regulation (EC) No. 865/2006.
- ^{22b}) Art. 66(7) of Commission Regulation (EC) No. 865/2006.
- ^{22c}) Section 22 of Act No. 166/1999 Coll., on veterinary care and amendments of related laws (the Veterinary Act).
- ^{22d}) Art. 64(2) and 66(6) of Commission Regulation (EC) No. 865/2006.
- ²³) Section 13 paragraph 4 of Act No. 147/1996 Coll., on phytosanitary care and on amendments of several acts connected therewith, in the wording of later regulations.
- ²⁴) Art. 8(6) of Commission Regulation (EC) No. 1808/2001 of August 20, 2001 laying down detailed rules concerning the implementation of Council Regulation (EC) No. 338/97.
- ²⁵) Section 54 of Act No. 114/1992 Coll.
- ²⁶) Art. 19(1)(i) of Council Regulation (EC) No. 338/97.
- ²⁷) Art. 4(3 and 4) of Council Regulation (EC) No. 338/97.
- ²⁸) Section 78 of Act No. 114/1992 Coll., as amended by Act No. 289/1995 Coll. and Act No. 161/1999 Coll.
- ³⁰) Section 13 of Act No. 246/1992 Coll.
- ³¹) Act No. 246/1992 Coll.
- ³²) Act No. 219/2000 Coll., on the property of the Czech Republic and on entry thereof into legal relations, in the wording of later regulations.
- ^{32a}) Chapter XVI of Commission Regulation (EC) No. 865/2006.
- ^{32b}) Art. 51 of Regulation (EC) No. 865/2006.
- ^{32c}) Act No. 162/2003 Coll., on the conditions for the operation of zoological gardens and amendment to some laws (The Zoological Gardens Act).
- ³³) Act No. 282/1991 Coll., on the Czech Environmental Inspectorate and competence thereof in the conservation of forests, in the wording of later regulations.
- ³⁴) Council Regulation (EC) No. 338/97, and further regulations of the European Communities issued on the basis thereof.
Council Regulation (EC) No. 3254/91, and further regulations of the European Communities issued on the basis thereof.
Council Regulation (EEC) No. 348/81, and further regulations of the European Communities issued on the basis thereof.
- ³⁵) Art. 8(5) of Council Regulation (EC) No. 338/97.
- ³⁶) Section 3 of Act No. 13/1993 Coll., Customs Act, as amended by Act No. 13/1997 Coll.
- ³⁷) Section 47 of Act No. 166/1999 Coll., on veterinary care and amendments of related laws (the Veterinary Act).

- 37a) For example Act No. 166/1999 Coll., on veterinary care (the Veterinary Act) in the wording of later regulations; Act No. 246/1992 Coll., on the protection of animals against cruelty, in the wording of later regulations; Council Regulation (EC) No 1/2005 on the protection of animals during transport and related operations and amending Directives 64/432/EEC and 93/119/EC, in wording by Regulation (EC) No 1255/97; Commission Regulation (EC) No 1739/2005 laying down animal health requirements for the movement of circus animals between Member States.
- 38) Section 38 of Act No. 147/1996 Coll., in the wording of later regulations.
- 39) Act No. 166/1999 Coll., in the wording of later regulations.
Act No. 147/1996 Coll., in the wording of later regulations.
- 40) Section 2 letter r) of Act No. 13/1993 Coll., as amended by Act No. 1/2002 Coll.
- 41) Act No. 13/1993 Coll., in the wording of later regulations.
- 42) Art. 13(2) of Council Regulation (EC) No. 338/97.
- 43) Art. 18 of Commission Regulation (EC) No. 1808/2001.
- 43a) Section 149 of Act No. 500/2004 Coll., the Administrative Code.
- 43b) Section 12 paragraph 2 letter a) of Act No. 552/1991 Coll., on the state control, in the wording of later regulations.
- 44) Art. 7 of Council Regulation (EC) No. 338/97.
- 45) Act No. 388/1991 Coll., on the State Environmental Fund of the Czech Republic, in the wording of later regulations.
- 46) Act No. 337/1992 Coll., on administration of taxes and fees, in the wording of later regulations.
- 47) Act No. 200/1990 Coll., on offences, in the wording of later regulations.
- 48) Sections 181f and 181g of Act No. 140/1961 Coll., Penal Act.
- 49) Section 69 of Act No. 140/1961 Coll., in the wording of later regulations.
- 50) Art. 6(3) of Council Regulation (EC) No. 338/97.
- 51) Section 2 paragraph 2 of Act No. 513/1991 Coll., the Business Code, in the wording by Act No. 85/2004 Coll.
- ~~52) Act No. 97/1974 Coll., on archives, in the wording of later regulations.~~
- 53) Art. 15(4)(a) of Council Regulation (EC) No. 338/97.
- 54) Act No. 101/2000 Coll., on the protection of personal data, in the wording of later regulations.
- 54a) Act No. 133/2000 Coll., on register of residents and birth identity numbers and on amendment of several acts, in the wording of later regulations.
- 54b) Section 1 of Act No. 133/2000 Coll.
- 54c) Act No. 40/1993 Coll., on acquiring and losing of the state citizenship of the Czech Republic, in the wording of later regulations.
- 55) For example, Act No. 114/1992 Coll., in the wording of later regulations.
- 56) Section 56 of Act No. 114/1992 Coll.
- ~~57) Act No. 71/1967 Coll., on administrative procedure (the Administrative Code), in the wording of later regulations.~~
- 58) Art. 11(5) of Council Regulation (EC) No. 338/97.
- 58a) Art. 11(2)(a) of Council Regulation (EC) No. 338/97.
- 59) Act No. 368/1992 Coll., on official fees, in the wording of later regulations.
- 60) Act No. 82/1998 Coll., on responsibility for a damage caused during execution of public power by a decision or incorrect official procedure and on amendment of Act No. 358/1992 Coll., on

notary publics and their activity (Notary Code), as amended by Act No. 120/2001 Coll. and ruling of Constitutional Court promulgated under No. 234/2002 Coll.

- ⁶¹) **Regulation (EC) No 1007/2009 of the European Parliament and of the Council of 16 September 2009 on trade in seal products.
Council directive 83/129/EEC.**
- ⁶²) **Council directive 83/129/EEC.**
- ⁶³) **Regulation (EC) No 1007/2009 of 16 September 2009 on trade in seal products.**
- ⁶⁴) **Commission Regulation (EU) No 737/2010 of 10 August 2010 laying down detailed rules for the implementation of Regulation (EC) No 1007/2009 on trade in seal products.**
- ⁶⁵) **Act No. 269/1994 Coll. on Criminal Records, as amended.**

~~Seal products according to Section 1, paragraph 2, letter b)~~

- ~~1. Raw furskins and furskins, tanned or dressed, including furskins assembled in plates, crosses and similar forms of~~
- ~~a) harp seals (*Pagophilus groenlandicus*);~~
 - ~~b) hooded seals (*Cystophora cristata*);~~
 - ~~e) Cape fur seals (*Arctocephalus pusillus*);~~
- ~~2. Products and their parts from furskins stipulated in clause 1.~~

Products of certain seal pups according to the Section 2, letter j)

| Number | CCT heading No. | Description |
|--------|-----------------|--|
| 1 | ex 43.01 | Raw furskins and furskins, tanned or dressed, including furskins assembled in plates, crosses and similar forms: |
| | ex 43.02 A | - of whitecoat pups of harp seals (<i>Pagophilus groenlandicus</i>) - of pups (blue-backs) of hooded seals (<i>Cystophora cristata</i>) |
| 2 | ex 43.03 | Products and parts thereof of the furskins referred to in item 1 |

**A list of species that are not threatened with extinction,
to whose specimens the duty of registration applies**

The duty of registration according to Section 23, paragraph 1, letter b) of the Act also applies to the following species that are not threatened with extinction:

- a) live specimens of the following species of mammals:
 - Elephantidae* spp. (all species of the elephant family)
 - Felidae* spp. (all species of the cat family, excluding the domesticated form “the house cat”)
 - Primates* spp. (all species of the primate family)
 - Rhinocerotidae* spp. (all species of the rhinoceros family),
- b) live specimens of the following species of birds:
 - Aquila nipalensis* (Steppe Eagle)
 - Aquila rapax* (Tawny Eagle).