

Basic information on CITES in the Czech Republic for foreigners

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I. INTERNATIONAL TRADE

(Trade in specimens of endangered species of wild fauna and flora with the third countries – outside the European Union)

Import (introduction) and (re)export on the basis of permits and certificates

Ministry of the Environment of the Czech Republic (Department for the International Protection of Biodiversity) issues **CITES permits and certificates for (re)export and import of endangered plants and animals** protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora according, the Council Regulation (EC) No. 338/97 on the protection of species of wild fauna and flora by regulating trade therein and the national Act No. 100/2004 . (Act on trade in endangered species).

Permits are required not only for live plants and animals, but also for the dead bodies and, in most cases, also for parts, derivatives and products of such organisms. The list of endangered plants and animals and other details are set forth in the Council Regulation (EC) No. 338/97.

Details of the application for a permit for (re)export or import:

1. An application for the above permit must be submitted in writing on a special form, which is set forth in the Commission Regulation (EC) No.865/2006, to the Department for the International Protection of Biodiversity of the Ministry of the Environment,
2. Simultaneously, it is necessary to submit a completed register card, which is set forth in the Decree No 210/2010.
3. Further details are set forth in Sections 3 to 13 of the Act No. 100/2004 .
4. Permit applications are charged by CZK 1000 per application.

The permits and certificates must be presented to the designated EU customs offices on the border of the European Union. The CITES permits and certificates are there only for the purpose of nature protection, and they do not substitute other import/(re)export licenses pursuant to other regulations (e.g. veterinary and phytosanitary).

Export of certain plant specimens on the basis of phytosanitary certificates

See Art. 7(1)(b) of the Council Regulation (EC) No. 338/97, Art. 17 of the Commission Regulation (EC) No.865/2006 and Section 17 of the Act No. 100/2004 and Section 7 of the Decree No 210/2010 .

Phytosanitary certificates can be used as CITES permits only for export of artificially propagated plant species listed in Annexes B and C and artificially propagated hybrids obtained from plant species listed in Annex A of the Council Regulation (EC) No. 338/97.

An application for phytosanitary certificates shall be submitted in writing on a special form to a local Regional Division or District Department of the State Phytosanitary Administration issuing phytosanitary certificates for export or re-export of plants from the Czech Republic.

II. DOMESTIC TRADE

(Trade in specimens of endangered species of wild fauna and flora within the European Union and in the Czech Republic)

Conditions and requirements for proving legal origin of protected fauna and flora.

This is dealt in Section 24 of the Act No. 100/2004 for the CITES specimens and in Section 54 of the Nature Protection Act No. 114/92 for the native specially protected species.

- Burden to prove legal origin of a specimen. A person who holds, breeds, grows, transports, displays to the public, sells, exchanges, offers with the purpose to sell or exchange, or processes a specimen is obliged, if requested by the Czech Environmental Inspectorate or Customs Authorities, to prove the specimen's origin. It is not allowed to hold, breed, grow, transport, display to the public, sell, exchange, offer with the purpose to sell or exchange or process a specimen, without that proof of origin.

- Book-keeping of trade records. Persons who do commercial activities with a specimen are obliged to keep written records and enable the Czech Environmental Inspectorate to perform control of it, if requested. The formalities of these records and the way they are kept have been set out in Section 15 of Decree No. 210/2010. The list of species and/or specimens for which such obligations will not be required is set out in Section 17(1) and Annex 9 of Decree No. 210/2010.

- Paper documents about specimen's origin from the original owner. Purchase, sale, donation, exchange or another transfer of possession, loan and/or renting of a specimen is possible only with a written document from the original owner or holder; for example a seller's receipt or invoice, rental agreement, loan contract, barter contract, deed of gift which have a "paper" documental form with identification of the original owner, date, signature, marking and further details about the origin of the specimens. The origin shall be proved by data and documents attesting the acquisition of a specimen in accordance with the requirements of Council Regulation (EC) No. 338/97 and the Act No. 100/2004, especially by stating when and where the specimen was taken from the wild, or if applicable, when and where the specimen was born in captivity or was artificially propagated or when, from which country and based on which CITES document the specimen was imported. Further formalities of these documents are set out in Section 16 of Decree No. 210/2010. The list of species and/or

specimens for which such obligations will not be required is set out in Section 17(3) of Decree No. 210/2010.

- Handing over of the CITES import documents. The owner of an imported specimen is obliged, in the case of a transfer of ownership right of a specimen, loan or renting of a specimen, to hand over to the new owner the original of the relevant CITES document or another similar document, if Council Regulation (EC) No. 338/97 or the Act No. 100/2004 require these documents as prove of specimen's origin.

- If a CITES import document has been issued for more specimens, and the specimens have to be split during transfer of ownership, the Regional Management Authority can issue the holder with a relevant number of numbered and certified copies of the CITES document based on a written application. Such officially verified copies are valid for one specimen only, act only as a document officially certifying allowed import of a specimen and do not replace any other documents according to this Act and according to Council Regulation (EC) No. 338/97. Further formalities are set out in Section 8 and Annex 5 of Decree No. 210/2010.

- Keeping copies and records about documents by owners of specimens. The above documents must be kept by the owner during the duration of holding of specimens for the case of an inspection. The original holder is 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 the inspection thereof.

- Keeping breeding records for live specimens. A person who breeds a specimen of species from Annex A or B to Council Regulation (EC) No. 338/97 is obliged to keep records of its breeding and enable the inspection thereof. Further details and formalities of the breeding records are set out in Section 15 of Decree No. 210/2010. The list of species and/or specimens for which such obligations will not be required is set out in Section 17(2) and Annex 10 of Decree No. 210/2010. The obligation is not relevant for zoological gardens with a license from the Ministry of Environment according to the Act No. 162/2003 (the Act on Zoological Gardens), because they keep and report breeding records according to that Act.

Obligatory information and documents connected with sale and other transfer of a specimen

This is dealt in Section 23b of the Act No. 100/2004.

- Obligation to inform a potential buyer or a new owner. A person, who sells or offers to sell („a seller“) a specimen which is subject to the registration or a specimen which is subject to the prohibition of commercial activities according to Art. 8.1 of Council Regulation (EC) No. 338/97, is obliged to inform buyers and other interested persons by a written notice “CITES-obligatory documents” attached to the offered specimen. The seller is further obliged to inform the buyer about the obligation to register it and the prohibitions of commercial activities with the specimen. This shall apply analogously also to other ways of transfer of a specimen (gift, loan etc.).

- Obligatory documents connected with transfer of ownership. The sale can be done only with the relevant registration document and in the case of a specimen subject to the prohibition of sale with an EC certificate as well.

- Trade with CITES specimens in shops, market places etc., via internet and advertisements. Obligations stated above also apply to those who sell such specimens or offer to sell them via distant means of communication (internet etc.). Notice “CITES - obligatory documents” shall be an obligatory part of an advertisement offering the sale of a specimen subject to the prohibition of commercial activities.

- During trading in places accessible to the public, where specimens are sold and offered to be sold (shops, market places etc.), or during management of distance communication means (internet etc.), whereby specimens are sold or to be offered to be sold, the operator of such a place or distance communication means is obliged to ensure that information on duties connected with CITES specimens is displayed to the public on a visible place. The operator of distance communication means is obliged to ensure that this information be made public regarding advertising or internet sales; a reference to a model obligatory information published on the web site by the Ministry of Environment shall be regarded as the publication of obligatory information. The operator of distance communication means shall, if required by the Czech Environmental Inspectorate, be obliged to remove an advertisement, without delay, which is contrary to the Act No. 100/2004 or the prohibition of commercial activities according to Council Regulation (EC) No. 338/97.

- The content of obligatory information on duties connected with CITES specimens is set out in Annex No. 7 to Decree No. 210/2010.

Certificate exempting specimens of Annex A species from prohibitions relating to commercial activities listed in Article 8(1) of the Council Regulation (EC) No. 338/97 (“certificate for commercial use”).

Applications (written on the form 3 according to the annex V of the Commission Regulation (EC) No. 865/2006) shall be submitted to a Regional Administration Authority (“Krajský úřad”).

No Certificates (EC) are required in case of general exemptions specified in the Article 62 of the Commission Regulation (EC) No. 865/2006.

The list of Regional Administration Authorities is as follows [Annex No. 2 to Decree No. 210/2010 .]:

Registration authority	Code
Magistrate [<i>City Hall</i>] of the Capital City of Prague	PHA
Regional Administrative Authority of the Central Bohemian Region	STC
Regional Administrative Authority of the South Bohemian Region	JHC
Regional Administrative Authority of the Plzeň Region	PLK
Regional Administrative Authority of the Karlovy Vary Region	KVK
Regional Administrative Authority of the Ústí Region	ULK
Regional Administrative Authority of the Liberec Region	LBK
Regional Administrative Authority of the Hradec Králové Region	HKK
Regional Administrative Authority of the Pardubice Region	PAK
Regional Administrative Authority of the Vysočina Region	VYS
Regional Authority of the South Moravian Region	JHM
Regional Administrative Authority of the Olomouc Region	OLK
Regional Administrative Authority of the Zlín Region	ZLK
Regional Administrative Authority of the Moravian-Silesian Region	MSK

Movement of live specimens within the Community

The conditions for the movement of live CITES specimens within the territory of the EU are embodied in Article 9 of the Council Regulation (EC) No. 338/97.

The movement within the EU of live specimens of a species listed in Annex A shall be authorized by the competent Management Authority, which is the Ministry of the Environment in the Czech Republic.

Details of the application for a movement certificate:

1. An application for the above certificate must be submitted in writing on a special form, which is set forth in the Commission Regulation (EC) No.865/2006, to the Department for the International Protection of Biodiversity of the Ministry of Environment,
2. Simultaneously, it is necessary to submit a completed register card, which is set forth in the Decree No 210/2010 .
3. Further details are set forth in Section 14 of the Act No. 100/2004 .
4. Certificate applications are charged by CZK 1000 per application.

III. Registration of certain CITES specimens in the Czech Republic

Rules of registration are set out in Sections 23 to 23b of the Act No. 100/2004 (Act on Trade in Endangered Species) and the Decree of the Ministry of the Environment No. 210/2010.

- The registration is focused almost exclusively on the species from Annex A to Council (EC) Regulation No. 338/97 with the exemption of species of wild animals and plants, which naturally occur in the Czech Republic.¹ According to Section 23(1) of the Act No. 100/2004 and Section 9 and Annex 6 of implementing Decree No. 210/2010, the registration actually concerns live specimens of exotic mammals, birds and reptiles of Annex A, with the exemption of (a) species listed in Annex X of Commission Regulation (EC) No. 865/2006, (b) mammals *Hystrix cristata* (Crested porcupine) and *Chinchilla* spp. (Chinchillas), (c) birds *Colinus virginianus* (Masked bobwhite), *Cyanoramphus forbesi* (Chatham Island yellow-fronted parakeet) [syn. *Cyanoramphus auriceps*], *Nyctea scandiaca* (Snowy owl), *Struthio camelus* (Ostrich) and *Tragopan caboti* (Cabot's tragopan), and (d) reptiles *Acrantophis dumerili* (Duméril's Boa), *Chamaeleo chamaeleon* (European chameleon), *Phelsuma guentheri* (Round Island day gecko) and *Python molurus molurus* (Indian python).

- The registration of species from Annex B is obligatory only for the following:

- a) live specimens of the following species of mammals:
Elephantidae spp. (elephants, all the species)
Felidae spp. (cat family, all the species, excluding the “domestic cat”)
Primates spp. (primates, apes and monkeys, all the species)
Rhinocerotidae spp. (rhinoceroses, all the species),
- b) live specimens of the following species of birds:
Aquila nipalensis (Steppe eagle)
Aquila rapax (Tawny eagle).

Registration documents are issued by Regional Administration Authorities (see Part II above).

Persons obliged to apply for registration:

- 1) A legal or natural person who owns a specimen;

¹ However, species native for the Czech Republic may be subject to stricter measures by the Nature Protection Act No 114/1992 (see paragraph 1 above) and other national legislation on hunting, fishery etc.

- 2) A legal or natural person who holds a specimen on the basis of a long-term loan from abroad for a period longer than 90 days or in the case that the owner of the specimen is not known.

The registration is a duty by owners or long-term holders² of the animals. However, there is a general exception from this duty for specimens of owners or long-term holders with a seat or permanent residence outside the territory of the Czech Republic, when the specimen is legally imported temporarily for a period shorter than 90 days. For owners or long-term holders with a seat or permanent residence in other Member States of the European Union, this period is extended to 12 months. Nevertheless, neither Czech citizens nor foreigners can sell any such specimen without previous registration.

IV. Further information

http://www.mzp.cz/cz/cites_informace_cizinec

<http://www.mzp.cz/cites>

e-mail (cites – Ministry of Environment): cites@mzp.cz

http://ec.europa.eu/environment/cites/home_en.htm

<http://www.eu-wildlifetrade.org/>

<http://sea.unep-wcmc.org/eu/Taxonomy/index.cfm>

² A “long-term holder” is defined as 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 in the case that the specimen does not have an owner or the owner of the specimen is not known.