

Marking requirements

Taken from Regulation (EC) 865/2006 CHAPTER XVI

Article 64

Marking of specimens for the purpose of imports

1. Import permits for the following specimens shall only be issued when the applicant has satisfied the competent management authority that the specimens have been individually marked in accordance with Article 66(6):
 - (a) specimens that derive from a captive breeding operation that was approved by the Conference of the Parties to the Convention;
 - (b) specimens that derive from a ranching operation that was approved by the Conference of the Parties to the Convention;
 - (c) specimens from a population of a species listed in Appendix I to the Convention for which an export quota has been approved by the Conference of the Parties to the Convention;
 - (d) raw tusks of African elephant and cut pieces thereof that are both 20 cm or more in length and 1 kg or more in weight;
 - (e) raw, tanned and/or finished crocodylian skins, flanks, tails, throats, feet, backstrips and other parts thereof that are exported to the Community and entire raw, tanned, or finished crocodylian skins and flanks that are re-exported to the Community;
 - (f) live vertebrates of species listed in Annex A to Regulation (EC) No 338/97 that belong to a travelling exhibition;
 - (g) any container of caviar (tin, jar or box into which caviar of *Acipenseriformes* spp. is directly packed) based on the application of non reusable labels on each primary container that is imported to the Community.
2. For the purpose of Article 8(5) of Regulation (EC) No 338/97, all caviar containers (tins, jars or boxes into which caviar of *Acipenseriformes* spp. is directly packed) shall be marked in accordance with the method approved or recommended by the Conference of the Parties to the Convention, subject to the additional provisions set out in Article 66(7).

Article 65

Marking of specimens for the purpose of export and re-export

1. Re-export certificates for specimens referred to in Article 64(1)(a) to (d) and (f) that were not substantially modified shall only be issued when the applicant has satisfied the management authority that the original marks are intact.
2. Re-export certificates for entire raw, tanned, and/or finished crocodylian skins and flanks shall only be issued when the applicant has satisfied the

management authority that the original tags are intact or, where these have been lost or removed, the specimens have been marked with a re-export tag.

3. Export permits and re-export certificates for any container of caviar (tin, jar or box into which caviar of *Acipenseriformes* spp. is directly packed) shall only be issued based on the application of non reusable labels on each primary container.
4. Export permits shall only be issued with regard to live vertebrates of species listed in Annex A to Council Regulation (EC) No 338/97 when the applicant has satisfied the competent management authority that the relevant provisions of Article 66 of this Regulation have been met.

Article 66

Marking methods

1. For the purposes of Articles 33(1), 40(1), 59(5), and 65(4), the provisions of paragraphs 2 and 3 shall apply.
2. Captive born and bred birds shall be marked in accordance with paragraph 8, or, where the competent management authority is satisfied that this method is not appropriate because of the physical or behavioural properties of the animal, by means of a uniquely numbered, unalterable microchip transponder conforming to ISO Standards 11784:1996 (E) and 11785:1996 (E).
3. Live vertebrates other than captive born and bred birds shall be marked by means of a uniquely numbered unalterable microchip transponder conforming to ISO Standards 11784:1996 (E) and 11785:1996 (E), or, where the competent management authority is satisfied that this method is not appropriate because of the physical or behavioural properties of the specimen/species, the specimens concerned shall be marked by means of uniquely numbered rings, bands, tags, tattoos and the like, or be made identifiable by any other appropriate means.
4. Articles 33(1), 40(1), 48(2), 59(5) and 65(4) shall not apply where the competent management authority is satisfied that the physical properties of the specimens involved do not, at the time of issue of the relevant certificate, allow the safe application of any marking method. Where this circumstance applies, the management authority concerned shall issue a transaction-specific certificate and shall record this in box 20 of the certificate, or, where a marking method can be safely applied at a later date, include the appropriate stipulations therein.

Specimen-specific certificates, travelling exhibition certificates and personal ownership certificates shall not be issued in respect of such specimens.

5. Specimens that were marked with a microchip transponder other than one conforming to ISO Standards 11784:1996 (E) and 11785:1996 (E) before 1 January 2002, or with one of the methods referred to in paragraph 3 before 1 June 1997, or in compliance with paragraph 6 before their introduction into the Community, shall be deemed to have been marked in compliance with paragraph 1.

6. Subject to the exemption set out at Article 11(4), the specimens referred to in Article 64(1) and Article 65 shall be marked in accordance with the method approved or recommended by the Conference of the Parties to the Convention for the specimens concerned.
7. Only those (re-)packaging plants that are licensed by the management authority in a Member State shall be entitled to process and package or re-package caviar for export, re-export or intra-Community trade.

Licensed (re-)packaging plants shall be required to maintain adequate records of the quantities of caviar imported, exported, re-exported, produced in situ or stored, as appropriate. These records must be available for inspection by the management authority in the relevant Member State.

A unique registration code shall be attributed to each such repackaging plant by that management authority.

8. Captive born and bred birds, as well as other birds born in a controlled environment shall be marked by means of a uniquely marked seamlessly closed leg-ring, i.e. a ring or band in a continuous circle, without any break or join, which has not been tampered with in any way, of a size which cannot be removed from the bird when its leg is fully grown after having been applied in the first days of the bird's life and which has been commercially manufactured for that purpose.

Article 67

Humane marking methods

Where, in the territory of the Community, the marking of live animals requires the attachment of a tag, band, ring or other device, the marking of a part of the animal's anatomy, or the implantation of microchip transponders, this shall be undertaken with due regard to humane care, well-being and natural behaviour of the specimen concerned.

Article 68

Mutual recognition of marking methods

1. The competent authorities of the Member States shall recognize the marking methods approved by the competent authorities of other Member States in accordance with Article 66.
2. Where a permit or certificate is required pursuant to the provisions of this Regulation, full details of the marking of the specimen shall be provided on such a document.