

# **Convention on International Trade in Endangered Species of Wild Fauna and Flora**

## **Biennial Report 2011 - 2012 of the Federal Republic of Germany**



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Endangered Species of Wild Fauna and Flora**

**Biennial Report  
of the  
Federal Republic of Germany**

**PART 1 – CITES Questions**

**Note:** Part 1 is composed exclusively of the questions included in the CITES Biennial Report format, approved at the 13<sup>th</sup> meeting of the Conference of the Parties to CITES, October 2004

#### A. General information

Party:	<b>Federal Republic of Germany</b>
Period covered in this report:	<b>1<sup>st</sup> January 2011 - 31<sup>st</sup> December 2012</b>
Details of agency preparing this report:	<b>Federal Agency for Nature Conservation</b> Konstantinstraße 110 D – 53179 Bonn Germany
Contributing agencies, organizations or individuals:	<b>1. Federal Ministry for Environment, Nature Conservation and Nuclear Safety</b> Robert-Schuman-Platz 3 D – 53175 Bonn Germany  <b>2. Federal States ‘Länder’</b> of the Federal Republic of Germany

## B. Legislative and regulatory measures

1	<p>Has information on CITES-relevant legislation already been provided under the CITES National Legislation Project? If yes, ignore questions 2, 3 and 4.</p>	<p>Yes (fully) <input checked="" type="checkbox"/>          Yes (partly) <input type="checkbox"/>          No <input type="checkbox"/>          No information/unknown <input type="checkbox"/></p>
2	<p>If your country has planned, drafted or enacted any CITES-relevant legislation, please provide the following details:</p> <p><b>European Union (EU) law: EC Wildlife Trade Regulations (WTR)</b></p> <p>Since 1984, the European Union has been implementing the provisions of CITES, the Convention on International Trade in Endangered Species of Wild Fauna and Flora, through common regulations. The most recent of these are the basic regulation, currently <i>Council Regulation (EC) No 338/97 on the Protection of the Species of Wild Fauna and Flora by Regulating Trade Therein</i> (entry into force: 1<sup>st</sup> June 1997) and its successive implementing regulation, currently <i>Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97</i> (entry into force: 9<sup>th</sup> July 2006). These two regulations must be read together to understand the European Community wildlife trade law.</p> <p>Regulation No 338/97 has four Annexes of which A, B and C largely correspond to the first three appendices of the Convention. However these Annexes do also include some non-CITES listed species protected under EU internal legislation. The Annexes are revised according to the CITES appendices and were lastly amended through Commission Regulation (EC) No 1158/2012 implementing the latest changes in App. III CITES (entry into force: 15<sup>th</sup> December 2012).</p> <p>The implementing Regulation (Commission Regulation (EC) 865/2006) was amended by Commission Regulation (EC) 791/2012 (entry into force 27<sup>th</sup> September 2012) which incorporates Resolutions adopted at COP 15, e.g. the retrospective issuance of documents, and amends provisions in order to ensure that that Regulation is implemented in a harmonised and efficient manner within the Union, and Commission Regulation (EC) No. 792/2012 which provides formal standards for permits and certificates (entry into force 27<sup>th</sup> September 2012). In addition, there are EC Trade Suspension Regulations, currently Commission Regulation (EC) No 757/2012 suspending the introduction into the European Community of certain wild fauna and flora. All regulations are available through <a href="http://ec.europa.eu/environment/cites/home_en.htm">www</a> under <a href="http://ec.europa.eu/environment/cites/home_en.htm">http://ec.europa.eu/environment/cites/home_en.htm</a>.</p> <p><b>National German Law</b></p> <p>A revised version of the Federal Nature Conservation Act &lt;BNatSchG&gt; was promulgated on 6<sup>th</sup> August 2009 (Federal Law Gazette I, p. 2542) and has been in force since 1<sup>st</sup> March 2010. It was amended on 6<sup>th</sup> December 2011 (Federal Law Gazette I, p. 2557) by the implementation of Directive 2008/99/EC on the protection of the environment through criminal law. Part Five of the Federal Nature Conservation Act is dealing with the protection of wild fauna and flora. The Federal Nature Conservation Act also grants powers to impose further more detailed rules which are laid down in the Federal Ordinance on the Conservation of Species (&lt;BArtSchV&gt;, Federal Law Gazette I, 2005, p. 258). The national instruments of protection ensure effective enforcement of the international and European rules on the conservation of species. Both, directives and international conventions of relevance to species conservation are implemented. As far as transposition of the EC Birds Directive (removal, possession, keeping) is concerned, the Federal Game Conservation Ordinance (&lt;BWildSchV&gt;, Federal Law Gazette I, 1985, p. 2040) contains provisions in respect of the species governed by German hunting law (Annex 1 to the Federal Game Conservation Ordinance, &lt;BJagdG&gt;, Federal Law Gazette I, 1976, p. 2849).</p> <p>Specifically, the Federal Nature Conservation Act comprises the following provisions:</p> <ul style="list-style-type: none"> <li>• The legal protection of species listed in Annex A and Annex B of the EC Regulation on species conservation as so-called specially protected species under national law;</li> <li>• Information and access rights (Art. 52 of the Federal Nature Conservation Act);</li> <li>• The legal protection of species listed in Annex IV of the Habitat Directive 92/43/EEC and those European bird species protected under the Bird Directive 79/409/EEC;</li> <li>• The legal protection of indigenous species (Annex 1 of the Federal Ordinance on the Conservation of Species);</li> </ul>	

	<ul style="list-style-type: none"> <li>• General protection of all wild species occurring in Germany (Art. 44 para 1 of the Federal Nature Conservation Act: prohibition of removal, access and disturbance</li> <li>• Release of alien species (Art. 40 para 4 of the Federal Nature Conservation Act);</li> <li>• Prohibition of possession of specially protected species (Art. 44 para. 2 no. 1 of the Federal Nature Conservation Act);</li> <li>• National prohibition on the marketing of species not covered by the EC Regulation (Art. 44 para. 2 no. 2 of the Federal Nature Conservation Act);</li> <li>• Duty to furnish evidence of legal acquisition (Art. 46 of the Federal Nature Conservation Act);</li> <li>• Prohibition on ownership (Art. 7 of the Federal Ordinance on the Conservation of Species, Art. 3 of the Federal Game Conservation Ordinance, and animal holding permits under <i>Länder</i> legislation;</li> <li>• Book-keeping and notification obligations (Art. 6 and Art. 7 para. 2 of the Federal Ordinance on the Conservation of Species);</li> <li>• Marking obligations (Art. 54 para. 8 no. 2 of the Federal Nature Conservation Act, Art. 12 ff. of the Federal Ordinance on the Conservation of Species);</li> <li>• Provisions to regulate and restrict the breeding, keeping and training in the wild of hybrids of birds of prey (Art. 8 ff. of the Federal Ordinance on the Conservation of Species);</li> <li>• Provisions to regulate and restrict the keeping, transfer and sale of live animals of certain alien invasive species (Art. 3 of the Federal Ordinance on the Conservation of Species).</li> </ul>																																																			
3	Is enacted legislation available in one of the working languages of the Convention?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>																																																		
4	If yes, please attach a copy of the full legislative text or key legislative provisions that were gazetted.	legislation attached <input type="checkbox"/> provided previously <input checked="" type="checkbox"/> not available, will send later <input type="checkbox"/>																																																		
5	Which of the following issues are addressed by any stricter domestic measures that your country has adopted for CITES-listed species (in accordance with Article XIV of the Convention)? <span style="float: right;">Tick all applicable</span>																																																			
		<table border="1"> <thead> <tr> <th></th><th colspan="3">The conditions for:</th><th colspan="3">The complete prohibition of:</th></tr> <tr> <th>Issue</th><th>Yes</th><th>No</th><th>No information</th><th>Yes</th><th>No</th><th>No information</th></tr> </thead> <tbody> <tr> <td>Trade</td><td><input checked="" type="checkbox"/>1)</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr> <td>Taking</td><td><input checked="" type="checkbox"/>2)</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr> <td>Possession</td><td><input checked="" type="checkbox"/>2)</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr> <td>Transport</td><td><input checked="" type="checkbox"/>1)</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> <tr> <td>Other (specify)</td><td><input checked="" type="checkbox"/>2)</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td></tr> </tbody> </table>		The conditions for:			The complete prohibition of:			Issue	Yes	No	No information	Yes	No	No information	Trade	<input checked="" type="checkbox"/> 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Taking	<input checked="" type="checkbox"/> 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Possession	<input checked="" type="checkbox"/> 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transport	<input checked="" type="checkbox"/> 1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (specify)	<input checked="" type="checkbox"/> 2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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	Additional comments 1) EU regulation (EC) No. 338/97 provides for stricter measures for the trade in endangered species; conditions for intra-community trade and transport are also harmonized by that regulation. 2) National law provides for regulations regarding taking, possession and other restrictions as explained under B 2.																																																			

6	<p>What were the results of any review or assessment of the effectiveness of CITES legislation, with regard to the following items? <span style="float: right;">Tick all applicable</span></p> <table border="1"> <thead> <tr> <th>Item</th> <th>Adequate</th> <th>Partially Inadequate</th> <th>Inadequate</th> <th>No information</th> </tr> </thead> <tbody> <tr> <td>Powers of CITES authorities</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Clarity of legal obligations</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Control over CITES trade</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Consistency with existing policy on wildlife management and use</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Coverage of law for all types of offences</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Coverage of law for all types of penalties</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Implementing regulations</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Coherence within legislation</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Other (please specify):</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table> <p>The EU Wildlife Trade Regulations (Council Regulation (EC) 338/97 and its successive implementing regulations, currently Commission Regulation (EC) 865/2006, have now been in place more than 14 years. The EU Commission decided to launch a study on the effectiveness of the regulations, which was carried out by TRAFFIC and IUCN and completed in December 2007. One of the purposes of the study was to assess the effectiveness of the current EC Wildlife Trade Regulations in relation to the objectives of CITES to ensure that trade in species of wild fauna and flora does not threaten their survival.</p> <p>The study concluded that by and large the basic Regulation (Council Regulation (EC) No. 338/97) is effective in achieving the objective of CITES to ensure that trade in species is sustainable. Hence a full revision is deemed not to be necessary. However, there is considerable scope for rendering the regulatory system more efficient and effective, not only by revising the implementing regulation (Commission Regulation (EC) 865/2006) but furthermore by developing guidelines for a uniform implementation of both Regulations within the community.</p>	Item	Adequate	Partially Inadequate	Inadequate	No information	Powers of CITES authorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Clarity of legal obligations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Control over CITES trade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Consistency with existing policy on wildlife management and use	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Coverage of law for all types of offences	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Coverage of law for all types of penalties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Implementing regulations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Coherence within legislation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other (please specify):	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Other (please specify):	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>																																															
7	<p>If no review or assessment has taken place, is one planned for the next reporting period? <span style="float: right;">Yes <input checked="" type="checkbox"/></span>  <span style="float: right;">No <input type="checkbox"/></span>  <span style="float: right;">No information <input type="checkbox"/></span></p> <p>Please provide details if available:</p> <p>The follow-up process of the 'Effectiveness Study' (see B 6) has been finalized by amending the implementing Regulation (Commission Regulation (EC) 865/2006). Guidelines to some items, e.g. 'worked specimens', were concluded. Further Guidance documents will be finalized. These, and probably guidance to new challenges will be incorporated into the Reference Guide on European Union Wildlife Trade Regulations, see <a href="http://ec.europa.eu/environment/cites/legis_refguide_en.htm">http://ec.europa.eu/environment/cites/legis_refguide_en.htm</a>.</p>																																																		
8	<p>Has there been any review of legislation on the following subjects in relation to implementation of the Convention? <span style="float: right;">Tick all applicable</span></p> <table border="1"> <thead> <tr> <th>Subject</th> <th>Yes</th> <th>No</th> <th>No information</th> </tr> </thead> <tbody> <tr> <td>Access to or ownership of natural resources</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Harvesting</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Transporting of live specimens</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Handling and housing of live specimens</td> <td><input type="checkbox"/></td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table> <p>Please provide details if available:</p>	Subject	Yes	No	No information	Access to or ownership of natural resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Harvesting	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Transporting of live specimens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Handling and housing of live specimens	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>																														
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9	Please provide details of any additional measures taken:																																																		

### C. Compliance and enforcement measures

		Yes	No	No information
1	Have any of the following compliance monitoring operations been undertaken?			
	Review of reports and other information provided by traders and producers:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Inspections of traders, producers, markets	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>see Attachment 1</b>
	Border controls	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify) (regular checks of trade through the world wide web)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Have any administrative measures (e.g., fines, bans, suspensions) been imposed for CITES-related violations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	If Yes, please indicate how many and for what types of violations? If available, please attach details as Annex.	<b>see Attachment 2</b>		
4	Have any significant seizures, confiscations and forfeitures of CITES specimens been made?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	If information available: <input checked="" type="checkbox"/> Significant seizures/confiscations <input checked="" type="checkbox"/> Total seizures/confiscations If possible, please specify per group of species or attach details on annex.	Number  <b>see Attachment 3</b>		
6	Have there been any criminal prosecutions of significant CITES-related violations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	If Yes, how many and for what types of violations? If available, please attach details as Annex.	<b>see Attachment 4</b>		
8	Have there been any other court actions of CITES-related violations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9	If Yes, what were the violations involved and what were the results? Please attach details as Annex.	<b>see Attachment 5</b>		
10	How were the confiscated specimens generally disposed of?	Tick if applicable		
	– Return to country of export	<input checked="" type="checkbox"/>		
	– Public zoos or botanical gardens	<input checked="" type="checkbox"/>		
	– Designated rescue centres	<input checked="" type="checkbox"/>		
	– Approved, private facilities	<input checked="" type="checkbox"/>		
	– Euthanasia	<input type="checkbox"/>		
	– Other (specify)	<input type="checkbox"/>		
	Comments:			
11	Has your country provided to the Secretariat detailed information on significant cases of illegal trade (e.g. through an ECOMESSAGE or other means), or information on convicted illegal traders and persistent offenders?	Yes	<input checked="" type="checkbox"/>	
		No	<input type="checkbox"/>	
		Not applicable	<input type="checkbox"/>	
		No information		
	Comments: ECOMESSAGE only used by police to inform Interpol			



12	Has your country been involved in cooperative enforcement activities with other countries (e.g. exchange of intelligence, technical support, investigative assistance, joint operation, etc.)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>
13	<p>If Yes, please give a brief description:</p> <p><b>Cooperation with institutions</b></p> <p>During the reporting period significant preparatory input and cooperation was provided to the CITES Enforcement Working Group of the European Commission, the Interpol Wildlife Crime Working Group and the WCO Working Group on CITES issues.</p> <p>In addition to these regular exchanges of information a representative from Germany's CITES Management Authority attended a multilateral workshop organized by UNEP, WCO and the Southeast European Cooperation Initiative (SEC) was held in Hungary in the framework of the task force set up for combating international environmental crimes. More than 50 participants from different EU member states but also from neighbouring countries discussed enforcement matters and investigations related to environmental crime.</p> <p>Furthermore capacity building activities have been carried out in cooperation with EU member states like Belgium but also with non EU-members such as Croatia or Serbia.</p> <p>On invitation of the authorities of Kyrgyzstan an assessment mission was carried out by a representative from Germany's CITES Management Authority to evaluate the implementation and enforcement of the CITES convention in Kyrgyzstan. A report with several very specific recommendations was prepared and conveyed to officials within the government administration of Kyrgyzstan dealing both on the political and administrative level with conservation issues.</p> <p>Furthermore numerous exchanges of intelligence with different countries (EU member states but also other countries) occurred during the reporting period. These communications mostly dealt with illegal trade in protected reptiles such as lizards and snakes, birds (mostly parrots) or timber, especially trade in music instruments.</p>	
14	Has your country offered any incentives to local communities to assist in the enforcement of CITES legislation, e.g. leading to the arrest and conviction of offenders?	Yes <input type="checkbox"/> No <input type="checkbox"/> No information <input checked="" type="checkbox"/>
15	If Yes, please describe:	
16	Has there been any review or assessment of CITES-related enforcement?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Not applicable <input type="checkbox"/> No information <input type="checkbox"/>
	<p>Comments:</p> <p>Regular review of CITES-related enforcement activities are undertaken by the CITES Management Authority, the Customs Criminal Investigations Agency and regional CITES enforcement and management authorities.</p>	

17	<p>Please provide details of any additional measures taken:</p> <p><b>Enhancement of enforcement in international trade in CITES protected birds of prey</b></p> <p>With regard to the implementation of the EU Enforcement Action Plan the 'Standing Committee on Species and Biotope Conservation' of the <i>Bund/Länder</i> working group for Nature Conservation (BLANA) agreed at its 57<sup>th</sup> meeting on a new main focus area in CITES enforcement in May 2010, i.e. the international trade in birds of prey and certain vulture species. A main driving force to initiate the new focus area in CITES enforcement were seizures of illegally sold birds of prey which in 2009 had been part of a special enforcement case in 'Rhineland Palatinate'. In addition the new focus area will initiate in depth investigations into the breeding, keeping and selling of birds of prey among selected caretakers on the basis of eight selected species. As with similar previous undertakings the project was made up in two parts. During a first step the available registration data was evaluated. In a further second step in depth controls and house researches were undertaken which led some seizures. However at the time of compiling this report the investigations have not yet been finished completely.</p>
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## D. Administrative measures

### D1 Management Authority (MA)

1	Have there been any changes in the designation of or contact information for the MA(s) in your country which are not yet reflected in the CITES Directory?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No information <input type="checkbox"/>	
2	If Yes, please use the opportunity to provide those changes here.		
3	If there is more than one MA in your country, has a lead MA been designated?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>	
4	If Yes, please name that MA and indicate whether it is identified as the lead MA in the CITES Directory.  Federal Ministry for Environment, Nature Conservation and Nuclear Safety Robert-Schumann-Platz 3 D – 53175 Bonn Germany		
5	How many staff works in each MA?      At the Federal Agency for Nature Conservation 26 persons		
6	Can you estimate the percentage of time they spend on CITES related matters?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No information <input type="checkbox"/>	
	If yes, please give estimation		
7	What are the skills/expertise of staff within the MA(s)?	Tick if applicable	
	– Administration	<input checked="" type="checkbox"/>	
	– Biology	<input checked="" type="checkbox"/>	
	– Economics/trade	<input type="checkbox"/>	
	– Law/policy	<input checked="" type="checkbox"/>	
	– Other (specify) Police, Veterinary & Forestry	<input checked="" type="checkbox"/>	
	– No information	<input type="checkbox"/>	
8	Have the MA(s) undertaken or supported any research activities in relation to CITES species or technical issues (e.g. labelling, tagging, species identification) not covered in D2(8) and D2(9)?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>	
9	If Yes, please give the species name and provide details of the kind of research involved.  <b>1. Determination of age and geographical origin of African elephant Ivory</b>  Exact methods for determination of age and geographical origin are essential to meet the still persisting problem of ivory smuggling and can help to avoid the intermixing of legal with illegal ivory. Long-term conservation of the constantly declining elephant populations of Western and Central Africa will only be possible with a control mechanism in place that helps identifying the age and geographical provenance of confiscated ivory. This, as a worldwide necessity, was also acknowledged by the 15 <sup>th</sup> Conference of the Parties of CITES in March 2010. The German Federal Agency for Nature Conservation responded to this need and initiated the above mentioned project in co-operation with its partners, the WWF Germany, two German universities and the 'Conseil International de la Chasse' (CIC).  The actual status of the project and its objectives had been presented to Parties, IGO'S and NGO's during the 61 <sup>st</sup> meeting of the CITES Standing Committee which had been held from 15 <sup>th</sup> -19 <sup>th</sup> August 2011 in Geneva, Switzerland. See also SC 61 information document 4 on the Implementation of the African Elephant Action Plan ( <a href="http://www.cites.org/eng/com/sc/61/index.php">http://www.cites.org/eng/com/sc/61/index.php</a> ).		

	<p><b>2. Determination of species of mixed tropical hardwood used in paper and pulp production</b></p> <p>The production of pulp and paper still relies to a large extent on wood fibres which had been acquired through the extensive destruction of tropical primary forests. Paper and pulp produced in such a way may also contain fibres from CITES protected timber species such as Ramin. This kind of use of tropical timber is not widely known among enforcement officials and even more so by the general public.</p> <p>The German Federal Government therefore commissioned through its 'Deutsche Bundesstiftung Umwelt' (DBU) with general consent by the FANC in 2011 a research project with the Institute of Wood Technology and Wood Biology at the Johann Heinrich von Thünen Institute Hamburg (vTI) to develop a reliable method how to determine and verify the source and the species used from tropical forests in the paper and pulp production. The methodology used in the project is based on a standardized determination of wood fibres and the development of a public readily available fibre atlas which would allow enforcement officials to determine the content of tropical mixed wood including the species involved, which could be a CITES protected one, in samples of paper and pulp.</p>
10	Please provide details of any additional measures taken:

## D2 Scientific Authority (SA)

1	Have there been any changes in the designation of or contact information for the SA(s) in your country which are not yet reflected in the CITES Directory?		Yes	<input type="checkbox"/>			
			No	<input checked="" type="checkbox"/>			
			No information	<input type="checkbox"/>			
2	If Yes, please use the opportunity to provide those changes here.						
3	Has your country designated a Scientific Authority independent from the Management Authority?		Yes	<input checked="" type="checkbox"/>			
			No	<input type="checkbox"/>			
			No information	<input type="checkbox"/>			
4	What is the structure of the SA(s) in your country?		Tick if applicable				
	– Government institution			<input checked="" type="checkbox"/>			
	– Academic or research institution			<input type="checkbox"/>			
	– Permanent committee			<input type="checkbox"/>			
	– Pool of individuals with certain expertise			<input type="checkbox"/>			
	– Other (specify)			<input type="checkbox"/>			
5	How many staff work in each SA on CITES issues?						
	There are altogether 8 persons in both Scientific Authorities (Fauna & Flora) involved in CITES issues.						
6	Can you estimate the percentage of time they spend on CITES related matters?		Yes	<input checked="" type="checkbox"/>			
	If yes, please give estimation		No	<input type="checkbox"/>			
			No information	<input type="checkbox"/>			
	The percentage of time invested by the 8 persons mentioned under paragraph 5 invest in CITES issues would roughly correspond to 3,5 full time posts						
7	What are the skills/expertise of staff within the SA(s)?		Tick if applicable				
	– Botany			<input checked="" type="checkbox"/>			
	– Ecology			<input checked="" type="checkbox"/>			
	– Fisheries			<input type="checkbox"/>			
	– Forestry			<input checked="" type="checkbox"/>			
	– Welfare			<input type="checkbox"/>			
	– Zoology			<input checked="" type="checkbox"/>			
	– Other (specify) Geography			<input checked="" type="checkbox"/>			
	– No information			<input type="checkbox"/>			
8	Have any research activities been undertaken by the SA(s) in relation to CITES species?		Yes	<input checked="" type="checkbox"/>			
			No	<input type="checkbox"/>			
			No information	<input type="checkbox"/>			
9	If Yes, please give the species name and provide details of the kind of research involved.						
	Species name	Populations	Distribution	Off take	Legal trade	Illegal trade	Other (specify)
	1						
	2						
	3						
	etc.						
	If Yes, please give the species name and provide details of the kind of research involved.		No information		<input type="checkbox"/>		
	<b>Trade in and conservation of the Porbeagle (<i>Lamna nasus</i>)</b>						
	Since the 14 <sup>th</sup> Conference of the Parties (CoP) of CITES Germany's Scientific Authority for Fauna continuously collected new information on trade and conservation of the shark species Porbeagle ( <i>Lamna nasus</i> ). An updated listing proposal for this species had been submitted in October 2012 for discussion and adoption at the 16 <sup>th</sup> CoP of CITES to be held in March 2013 in Bangkok, Thailand.						

## Application of CITES Listing Criteria to commercially exploited Marine Species

In a document that had been submitted to the 15th Conference of the Parties (CoP 15 Doc. 63), the CITES Secretariat identified a number of issues surrounding the application of the criteria for the inclusion of commercially exploited aquatic species on Appendix II of the Convention. The specific questions related to the application of the criterion B in Annex 2 a of Resolution Conf. 9.24 (Rev. CoP 15) and the introductory text of Annex 2a to commercially exploited aquatic species. The CoP 15 agreed (Decisions 15.28 - 15.30) on a process for resolving these issues and developing guidance for the application of this criterion to commercially exploited aquatic species for inclusion in Appendix II.

The project commissioned, financed and supervised by the German Scientific Authority for Fauna, which considered only commercially exploited marine species proposed for listing in Appendix II, aimed to contribute to this process by specifically examining:

- issues and ambiguities in the wording of the current guidelines for application of the criteria;
- the listing criteria and application guidelines from the perspective of fishery science and management;
- relevant issues arising in the course of review and discussion of the commercially exploited marine species proposed for listing in Appendix II at CoP's 13, 14 and 15; and
- comparable issues arising from the application of the criteria to terrestrial species.

Based on these analyses, a recommendation was made for additional guidelines for the application of criterion B in Annex 2a to commercially exploited marine species. For more details about this project please see document AC25 Inf10 (<http://www.cites.org/common/com/AC/25/E25i-10.pdf>).

### Breeding conditions and husbandry guidelines for *Neurergus kaiseri* specimens in captivity

The species *Neurergus kaiseri* has been listed on Appendix I at CITES CoP15 in 2010. As the species is known to be captive bred already since several years, Germany's Scientific Authority compiled available information on "Breeding Conditions and Husbandry Guidelines for Live *Neurergus kaiseri* Specimens in Captivity" as an enforcement tool to address the question of reliability of the captive breeding claim of specimens under the provisions as outlined in Res. Conf. 10.16 (Rev) as well as under the respective articles of the EC regulations which are uniformly implementing CITES in the European Union.

### Rapid identification of CITES-listed timber species by use of DNA-markers

On behalf of the German Scientific Authority for Flora a research & development project, i.e. "The Use of DNA-markers for Rapid Identification of CITES-listed Timber Species" has been carried out by the Center of Wood Science of the University of Hamburg/Germany between January 2010 and December 2012. One of the objectives of this project were to develop specific primers of the so called ITS region of the nucleus to identify most relevant traded CITES timber species in a quick and feasible way. The results of the projects, respectively the ability of the taxon-specific primers to detect wood of CITES timber species, will be validated in practical tests in 2013.

10	Have any project proposals for scientific research been submitted to the Secretariat under Resolution Conf. 12.2?	Yes No No information	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
11	Please provide details of any additional measures taken:  Development of concepts and strategies for dealing with non-native, alien and invasive animal species, including invasive risk assessment; see publication below Nehring, S.; Essl, F.; Klingenstein, F.; Nowack, C.; Rabitsch, W.; Stöhr, O.; Wiesner, C. & Wolter, C. (2010): Schwarze Liste invasiver Arten: Kriteriensystem und Schwarze Listen invasiver Fische für Deutschland und für Österreich. – Bonn-Bad Godesberg (Bundesamt für Naturschutz). – BfN-Skripten 285: 185 S. <a href="http://www.bfn.de/fileadmin/MDB/documents/service/skript285.pdf">http://www.bfn.de/fileadmin/MDB/documents/service/skript285.pdf</a>		

### D3 Enforcement Authorities

1	To date has your country advised the Secretariat of any enforcement authorities that have been designated for the receipt of confidential enforcement information related to CITES?	Yes No No information	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
2	If No, please designate them here (with address, phone, fax and email).		
3	Has your country established a specialized unit responsible for CITES-related enforcement (e.g. within the wildlife department, Customs, the police, public prosecutor's office)?	Yes No Under consideration No information	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4	If Yes, please state which is the lead agency for enforcement:  Federal Agency for Nature Conservation (FANC) Division I.1.3 "Legal Affairs and Enforcement" Konstantinstrasse 110 D – 53179 Bonn Germany		
5	Please provide details of any additional measures taken:  The CITES Management Authority (MA) of the Federal Agency for Nature Conservation had taken note of the EU Enforcement Action Plan, published on 20 <sup>th</sup> June 2007 in the official journal of the EU No. L 159/07 (Document 2007/425/EC) and began after the 14 <sup>th</sup> CoP to CITES in close co-ordination with the Federal Ministry of Environment to nationally implement the recommendations contained in the action plan on which the Community had agreed upon unanimously.  Since September 2007 the CITES MA started several initiatives on a national level to develop a national enforcement action plan in accordance with the provisions of CITES Resolution Conf 11.3 (Rev. CoP 14).  Some of the actions recommended in the national action plan had already been implemented in Germany such as the rapid exchange of important information by electronic means through an electronic CITES newsletter, public awareness campaigns, training of enforcement officers or strong working relations among German officials in the different authorities and enforcement agencies. Such working relations are backed up both by formalized but also not formalized agreements and strong government support.  In addition to these activities Germany had nationally started a process to implement further actions recommended in the EU Enforcement Action Plan. All relevant enforcement and management authorities involved in the implementation of CITES have been invited to collaborate on the creation and implementation of a national action plan. To meet these objectives an Interagency National Action Plan Working Group (IANAP-WG) was established at the Federal Agency for Nature Conservation. The IANAP-WG includes representatives from German customs services, the police, national and local CITES Management Authorities and other enforcement bodies. The main objectives and targets of this group are:  <ul style="list-style-type: none"> <li>- to improve overall inter-agency cooperation;</li> <li>- to collect and distribute relevant information;</li> <li>- to identify enforcement priorities;</li> <li>- to coordinate public relation activities; and</li> <li>- to control and coordinate adequate training activities.</li> </ul>		

#### D4 Communication, information management and exchange

1	To what extent is CITES information in your country computerized? <span style="float: right;">Tick if applicable</span>					
	<ul style="list-style-type: none"> <li>– Monitoring and reporting of data on legal trade <span style="float: right;"><input checked="" type="checkbox"/></span></li> <li>– Monitoring and reporting of data on illegal trade <span style="float: right;"><input checked="" type="checkbox"/></span></li> <li>– Permit issuance <span style="float: right;"><input checked="" type="checkbox"/></span></li> <li>– Not at all <span style="float: right;"><input type="checkbox"/></span></li> <li>– Other (specify) <span style="float: right;"><input type="checkbox"/></span></li> </ul>					
2	Do the following authorities have access to the Internet? <span style="float: right;">Tick if applicable</span>					
	Authority	Yes, continuous and unrestricted access	Yes, but only through a dial-up connection	Yes, but only through a different office	Some offices only	Not at all
	Management Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Scientific Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Enforcement Authority	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Do you have an electronic information system providing information on CITES species? <span style="float: right;">Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/></span>					
4	If Yes, does it provide information on: <span style="float: right;">Tick if applicable</span>					
	<ul style="list-style-type: none"> <li>– Legislation (national, regional or international)? <span style="float: right;"><input checked="" type="checkbox"/></span></li> <li>– Conservation status (national, regional, international)? <span style="float: right;"><input checked="" type="checkbox"/></span></li> <li>– Other (please specify)? <span style="float: right;"><input checked="" type="checkbox"/></span></li> </ul>					
	EU-import decisions, trade statistics, permit application procedures etc.					
	<b>Legislation:</b>					
	<a href="http://www.bfn.de/0305_rechtsgrundlagen+M52087573ab0.html">http://www.bfn.de/0305_rechtsgrundlagen+M52087573ab0.html</a>					
	<b>Trade statistics:</b>					
	<a href="http://www.bfn.de/0305_statistik+M5054de7a952.html">http://www.bfn.de/0305_statistik+M5054de7a952.html</a>					
	<b>Permit application procedures:</b>					
	<a href="http://www.bfn.de/0305_antragstellung+M5054de7a952.html">http://www.bfn.de/0305_antragstellung+M5054de7a952.html</a>					
	<b>Import of hunting trophies:</b>					
	<a href="http://www.bfn.de/0305_jagd+M5054de7a952.html">http://www.bfn.de/0305_jagd+M5054de7a952.html</a>					
	<b>Personal effects:</b>					
	<a href="http://www.bfn.de/0305_pers_gebrauch+M5054de7a952.html">http://www.bfn.de/0305_pers_gebrauch+M5054de7a952.html</a>					
	<b>Costs ordinance:</b>					
	<a href="http://www.bfn.de/0305_kosten_vo+M5054de7a952.html">http://www.bfn.de/0305_kosten_vo+M5054de7a952.html</a>					
	<b>Labels for scientific exchanges:</b>					
	<a href="http://www.bfn.de/0305_etikett-verfahren.html#c66821">http://www.bfn.de/0305_etikett-verfahren.html#c66821</a>					



5	Is it available through the Internet:			Yes <input checked="" type="checkbox"/>
	No <input type="checkbox"/>			
	Not applicable <input type="checkbox"/>			
	No information <input type="checkbox"/>			
	Please provide URL:			
	<a href="http://www.cites.bfn.de">www.cites.bfn.de</a>			
	<p>General information both in German and in English on CITES and relevant regulations including information on permit applications, associated fees and specific provisions for tourist souvenirs, personal effects or hunting trophies. The internet site had been significantly updated and amended during the reporting period such as by adding FAQ's, new information on the listing in CITES Appendix III of the porbeagle shark, information on trade in products such as musical instruments made of Brazilian rosewood (<i>Dalbergia nigra</i>) and new implementation measures decided by the EU on European eel.</p>			
	<a href="http://www.bmu.de/artenschutz/aktuell/3792.php">http://www.bmu.de/artenschutz/aktuell/3792.php</a>			
	<p>General and up-to-date political information provided by the Federal Ministry of Environment, Nature Conservation and Nuclear Safety on CITES such as Conferences of the Parties their major agenda items and outcomes as well as information on other relevant multilateral environmental agreements.</p>			
	<a href="http://www.wisia.de">www.wisia.de</a>			
	<p>The internet data bank WISIA-online provides information on CITES protected animals and plants not only for professional conservationists but also for the general public. Whoever intends to acquire an exotic souvenir, which often has been manufactured by means of protected species can find through WISIA-online besides information on the protection status many further useful hints, including the relevant date since when a respective species has become a CITES protected specimen.</p>			
	<a href="http://www.artenschutz-online.de">www.artenschutz-online.de</a>			
	<p>An internet based information forum established as a common project between German customs and the CITES Management Authority of the FANC which specifically is targeted for tourists by providing information on protected species in the relevant tourist regions of the world.</p>			
	<a href="http://www.cites-online.de">www.cites-online.de</a>			
	<p>Online platform for internet based applications for an electronically submission of CITES permits including qualified electronic signature.</p>			
	<a href="http://www.zeet.de">www.zeet.de</a>			
	<p>Information platform provided by Germany's Scientific Authorities of the FANC on all decisions taken by the European Union on import restrictions and other stricter domestic measures regarding international trade in CITES species.</p>			
6	Do the following authorities have access to the following publications?			Tick if applicable
	Publication	Management Authority	Scientific Authority	Enforcement Authority
	<i>2005 Checklist of CITES Species</i> (book and CD-ROM)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>2008 Checklist of CITES Species and Annotated Appendices and reservations</i> (CD-ROM & WCMC web based checklist )	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>Identification Manual</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	<i>CITES Handbook</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

7	If not, what problems have been encountered to access to the mentioned information?		
8	Have enforcement authorities reported to the Management Authority on: <ul style="list-style-type: none"> <li>– Mortality in transport?</li> <li>– Seizures and confiscations?</li> <li>– Discrepancy in number of items in permit and number of items actually traded?</li> </ul> Comments:	Tick if applicable <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> </ul>	
9	Is there a government website with information on CITES and its requirements?  If Yes, please give the URL: <a href="http://www.cites.bfn.de">www.cites.bfn.de</a> & <a href="http://www.bmu.de/themen/natur-arten/artenschutz">http://www.bmu.de/themen/natur-arten/artenschutz</a>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>	
10	Have CITES authorities been involved in any of the following activities to bring about better accessibility to and understanding of the Convention's requirements to the wider public? <ul style="list-style-type: none"> <li>– Press releases/conferences</li> <li>– Newspaper articles, radio/television appearances</li> <li>– Brochures, leaflets</li> <li>– Presentations</li> <li>– Displays</li> <li>– Information at border crossing points</li> <li>– Telephone hotline</li> <li>– Other (specify)</li> </ul> <p>           - In 2010 the FANC had initiated a research and development project on the determination of age and geographical origin of African elephant ivory which required a certain number of ivory samples in order to attain scientific rigorous results. Together with the project partners WWF Germany and the 'Conseil International de la Chasse' (CIC) the FANC issued on 14<sup>th</sup> February 2011 a press release which addressed in particular trophy hunters to assist in providing geographically referenced samples for the project. <a href="http://www.bfn.de/10050.html?&amp;cHash=fbec97996733de99429967ab6f0ca1ad&amp;tx_ttnews%5Btt_news%5D=3760">http://www.bfn.de/10050.html?&amp;cHash=fbec97996733de99429967ab6f0ca1ad&amp;tx_ttnews%5Btt_news%5D=3760</a> </p> <p>           - On 18<sup>th</sup> Juli 2011 with the beginning of the summer holiday and travel season the FANC issued a press release which was predominantly targeted at tourists travelling to exotic destinations. Major objective was to raise awareness among travellers to refrain from acquiring exotic souvenirs made out of CITES protected specimens. As usual the press release attained significant media response. <a href="http://www.bfn.de/10050.html?&amp;cHash=b9558d6274e119edf29afd6ad83968cf&amp;tx_ttnews%5Btt_news%5D=3949">http://www.bfn.de/10050.html?&amp;cHash=b9558d6274e119edf29afd6ad83968cf&amp;tx_ttnews%5Btt_news%5D=3949</a> </p> <p>           - On 1<sup>st</sup> December 2011 the FANC issued a press release in which it appealed to the public to refrain from making gifts at Christmas made from exotic animals and plants which are protected under CITES. In addition the FANC also recommended not acquiring live exotic animals as gifts as many species such as many reptiles and amphibians have rather special holding and care requirements which not skilled care takers could in most cases not fulfil, neither on a medium nor on a long term basis. Together with the press release the FANC circulated a checklist of criteria which undecided potential customers should consider before live exotic animals are bought as gifts. <a href="http://www.bfn.de/10050.html?&amp;cHash=1a930553fbf5ce1d76dd257afc8ec506&amp;tx_ttnews%5Btt_news%5D=4052">http://www.bfn.de/10050.html?&amp;cHash=1a930553fbf5ce1d76dd257afc8ec506&amp;tx_ttnews%5Btt_news%5D=4052</a> </p> <p>           - On 29<sup>th</sup> November 2012 a press talk with selected journalists on trade in musical instruments         </p>	Tick if applicable <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> <li><input type="checkbox"/></li> <li><input checked="" type="checkbox"/></li> </ul>	

	<p>made of Brazilian rosewood (<i>Dalbergia nigra</i>) was held at the FANC. The major reason behind this media campaign was that enforcement of the CITES listing had been widely neglected among the international conservation community for more than 15 years since the species had been included in CITES Appendix I. The press talk was followed by a press release to inform the public about the extensive unregulated international trade in precious musical instruments made of Brazilian rosewood.</p> <p><a href="http://www.bfn.de/0401_pm.html?&amp;no_cache=1&amp;tx_ttnews%5Btt_news%5D=4417&amp;cHash=cbeefca7a44fba97c93d78a356ece306">http://www.bfn.de/0401_pm.html?&amp;no_cache=1&amp;tx_ttnews%5Btt_news%5D=4417&amp;cHash=cbeefca7a44fba97c93d78a356ece306</a></p> <ul style="list-style-type: none"> <li>- To inform the public about the the contents and use of two for CITES enforcement important nationally developed databases ZEET and WISIA flyers have been published, both in German and English.</li> </ul>
	Please attach copies of any items as Annex.
11	Please provide details of any additional measures taken:

### D5 Permitting and registration procedures

1	<p>Have any changes in permit format or the designation and signatures of officials empowered to sign CITES permits/certificates been reported previously to the Secretariat?</p> <p>If no, please provide details of any:</p> <p><b>Changes in permit format:</b></p> <p>Following the adoption of Commission Implementation Regulation (EU) No 792/2012 of 23 August 2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and amending Commission Regulation (EC) No 865/2006 the format for import- and export permits and re-export certificates had undergone some changes. The FANC therefore ordered the printing of a new permit form No. 221 and 222 which had been transmitted to the CITES Secretariat with a letter of the FANC of 29<sup>th</sup> November 2012 before it was used in day-to-day permitting.</p> <p><b>Changes in designation or signatures of relevant officials:</b></p> <p>Within the reporting period 1 <b>change</b> referring to persons competent to sign CITES documents for Germany was reported to the Secretariat (11.9.2011). One new executive officer was authorized to sign documents. One officer left the authority. Her authorization was therefore withdrawn and her name was deleted from the list. This change had been notified immediately and original samples of the respective new signature was provided to the CITES Secretariat.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>Not applicable <input type="checkbox"/></p> <p>No information <input type="checkbox"/></p>																																				
2	<p>To date has your country developed written permit procedures for any of the following?</p> <table border="1"> <thead> <tr> <th></th> <th>Yes</th> <th>No</th> <th>No information</th> </tr> </thead> <tbody> <tr> <td>Permit issuance/acceptance</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Registration of traders</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Registration of producers</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </tbody> </table>		Yes	No	No information	Permit issuance/acceptance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Registration of traders	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Registration of producers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>Tick if applicable</p>																				
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3	<p>Please indicate how many CITES documents were issued or denied in the two year period? (Note that actual trade is normally reported in the Annual Report by Parties. This question refers to issued documents).</p> <table border="1"> <thead> <tr> <th>2011 Year 1</th> <th>Import or introduction from the sea</th> <th>Export</th> <th>Re-export</th> <th>Other</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>How many documents were issued?</td> <td>7,671</td> <td>2,173</td> <td>9,777</td> <td>1,014</td> <td><b>see Attachment 7</b></td> </tr> <tr> <td>How many applications were denied because of severe omissions or miss-information?</td> <td></td> <td></td> <td></td> <td></td> <td>no information</td> </tr> </tbody> </table> <table border="1"> <thead> <tr> <th>2012 Year 2</th> <th>Import or introduction from the sea</th> <th>Export</th> <th>Re-export</th> <th>Other</th> <th>Comments</th> </tr> </thead> <tbody> <tr> <td>How many documents were issued?</td> <td>7,846</td> <td>2,215</td> <td>9,874</td> <td>1,063</td> <td><b>see Attachment 7</b></td> </tr> <tr> <td>How many applications were denied because of severe omissions or miss-information?</td> <td></td> <td></td> <td></td> <td></td> <td>no information</td> </tr> </tbody> </table>	2011 Year 1	Import or introduction from the sea	Export	Re-export	Other	Comments	How many documents were issued?	7,671	2,173	9,777	1,014	<b>see Attachment 7</b>	How many applications were denied because of severe omissions or miss-information?					no information	2012 Year 2	Import or introduction from the sea	Export	Re-export	Other	Comments	How many documents were issued?	7,846	2,215	9,874	1,063	<b>see Attachment 7</b>	How many applications were denied because of severe omissions or miss-information?					no information	
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4	<p>Were any CITES documents that were issued later cancelled and replaced because of severe omissions or miss-information?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> <p>No information <input type="checkbox"/></p>																																				
5	<p>If Yes, please give the reasons for this.</p>																																					

6	Please give the reasons for rejection of CITES documents from other countries.			Tick if applicable				
	Reason	Yes	No	No information				
	Technical violations	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Suspected fraud	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Insufficient basis for finding of non-detriment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Insufficient basis for finding of legal acquisition	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
	Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>				
7	Are harvest and/or export quotas used as a management tool in the procedure for issuance of permits?			Yes	<input type="checkbox"/>			
				No	<input checked="" type="checkbox"/>			
				No information	<input type="checkbox"/>			
Comments: In general Germany has no or only in exceptional cases any exports of wild taken specimen. However as a major importing country Germany has a special responsibility in thoroughly checking export documents of non-EC-Parties if these refer to export quotas. In 2011 the European Community agreed on zero export quota for the European eel which the European Commission communicated to the CITES Secretariat on 12.1.2011 and entered into force on 1.1.2011.								
8	How many times has the Scientific Authority been requested to provide opinions?  Germany is mainly an importing country. Most exports which took place concerned specimen which were either bred in captivity or artificially propagated. In such cases the Scientific Authorities are requested to provide advice whether the conditions for artificial propagation or breeding in captivity have been met. Referring to imports of CITES Appendix II species import permits are necessary in accordance with the EU regulations. To optimise and harmonize the application procedure the CITES Scientific Review Group (SRG) of the EU discusses regularly special import cases and concludes on basic scientific statements which can either result in a positive opinion to allow imports or in a negative opinion which may lead to the restriction of respective imports. Since 1997 the number of single decisions taken on this level has increased considerably. By now these decisions account for already about 60 % of all import applications. Other applications are referred to Germany's Scientific Authorities for evaluation of their scientific aspects.							
9	Has the MA charged fees for permit issuance, registration or related CITES activities?			Tick if applicable				
	– Issuance of CITES documents:			<input checked="" type="checkbox"/>				
	– Licensing or registration of operations that produce CITES species:			<input checked="" type="checkbox"/>				
	– Harvesting of CITES-listed species :			<input type="checkbox"/>				
	– Use of CITES-listed species:			<input checked="" type="checkbox"/>				
	– Assignment of quotas for CITES-listed species:			<input type="checkbox"/>				
	– Importing of CITES-listed species:			<input checked="" type="checkbox"/>				
	– Other (specify):			<b>See Attachment 7</b> <input checked="" type="checkbox"/>				
10	If Yes, please provide the amounts of such fees.			<b>See Attachment 7</b>				

11	<p>Have revenues from fees been used for the implementation of CITES or wildlife conservation?</p> <p>– Entirely: <input type="checkbox"/></p> <p>– Partly: <input type="checkbox"/></p> <p>– Not at all: <input type="checkbox"/></p> <p>– Not relevant: <input checked="" type="checkbox"/></p> <p>Comments:</p> <p>German Federal Budget Legislation doesn't allow revenues from CITES fees to be used for CITES conservation projects. All revenues must go to federal treasuries. In addition annual budget of Germany's Federal Government is fixed more than one year in advance based on applications as occasion demands.</p>	Tick if applicable
12	Please provide details of any additional measures taken:	



## D6 Capacity building

1	Have any of the following activities been undertaken to enhance effectiveness of CITES implementation at the national level?					Tick if applicable	
	Increased budget for activities	<input type="checkbox"/>	Improvement of national networks		<input checked="" type="checkbox"/>		
	Hiring of more staff	<input type="checkbox"/>	Purchase of technical equipment for monitoring/enforcement		<input type="checkbox"/>		
	Development of implementation tools	<input checked="" type="checkbox"/>	Computerisation		<input checked="" type="checkbox"/>		
	– Other (specify) As in previous years during the reporting period Germany's CITES Management and Scientific Authorities participated regularly as lecturers in several advanced CITES training seminars each year for already in CITES issues specialized German customs officers.				<input checked="" type="checkbox"/>		
2	Have the CITES authorities in your country been the <i>recipient</i> of any of the following capacity building activities provided by external sources?						
	Please tick boxes to indicate which target group and which activity.	Oral or written advice/guidance	Technical assistance	Financial assistance	Training	Other (specify)	What were the external sources?
	Target group						
	Staff of Management Authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Staff of Scientific Authority	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Staff of enforcement authorities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Traders	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	NGOs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Public	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3	Have the CITES authorities in your country been the <i>providers</i> of any of the following capacity building activities?						
	Please tick boxes to indicate which target group and which activity.	Oral or written advice/guidance	Technical assistance	Financial assistance	Training	Other (specify)	Details
	Target group						
	Staff of Management Authority	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Staff of Scientific Authority	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	NGOs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	Public	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Other parties/International meetings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Other (specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



4	<p>Please provide details of any additional measures taken:</p> <ol style="list-style-type: none"> <li>1. A representative from the <b>CITES Management Authority of Serbia</b> visited on <b>9<sup>th</sup> of September 2011</b> Germany's CITES Management Authority at the FANC. The pre-dominant objective of the visit tour was to collect information how based on European and national legislation CITES is implemented in Germany, both on the regional and on the federal level.</li> <li>2. Within the scope of an EU-Commission funded Twinning-project with a CITES implementation component an official from Germany's CITES Management Authority of the FANC contributed as lecturer on <b>10<sup>th</sup> October 2011</b> in a "<b>Train the Trainers</b>" <b>workshop</b> for key stakeholders regarding enforcement of environmental legislation in Zagreb, Croatia.</li> <li>3. <b>From 2<sup>nd</sup> - 6<sup>th</sup> April 2012</b> a representative from Germany's Federal Agency for Nature Conservation CITES Management Authority attended as lecturer at a <b>CITES training seminar for national customs and CITES enforcement officers in Belgrade, Serbia.</b></li> <li>4. Following an invitation of the State Agency of Environment Protection and Forestry of the Kyrgyz Republic (CITES Management Authority), co-organized by the GIZ ("Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH"), a representative from Germany's Federal Agency for Nature Conservation CITES Management Authority took part in a <b>fact-finding mission conducted from 14<sup>th</sup> - 18<sup>th</sup> May 2012 in the Kyrgyz Republic</b> dealing with different aspects of implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The mission contributed as well to enhance implementation and enforcement of CITES in the Kyrgyz Republic and to promote the better representation of interests of the Kyrgyz Republic as a Party to the Convention. A report with several recommendations to increase efficiency of CITES implementation was prepared and had been officially transmitted to the CITES MA of the Kyrgyz Republic.</li> <li>5. Since 2004 Germany's CITES Management Authority of the Federal Agency for Nature Conservation (FANC) issues rather regularly an <b>electronic CITES Newsletter</b> ('Artenschutz-Info des BfN') which provides information on recent developments in CITES relevant legislation, on significant infraction cases and development in illegal trade, on court cases or on any other issues of relevance to CITES implementation and enforcement government agencies within Germany. The overall favourably received and widely acknowledged newsletter is sent by e-mail to all regional CITES management, enforcement and implementation authorities of the 'Länder', to customs and criminal investigation agencies and to the CITES Scientific Authorities. During the reporting period three newsletters were issued in 2011 and another four in 2012.</li> <li>6. The Federal Agency for Nature Conservation (FANC) supports financially <b>from 2011 for a three years period</b> part of the work undertaken by the Secretariat of the <b>IUCN-SSC African Elephant Specialist Group (AfESG)</b>. The mission of the AfESG is to promote the long-term conservation of Africa's elephants throughout their range. The AfESG does this through providing scientifically rigorous advice on the conservation of the species to African governments, donors, international institutions, and non-governmental organizations. The AfESG Secretariat assists the AfESG membership to catalyse conservation action for the species and to ensure that it continues to provide relevant support and information to the elephant conservation community. In particular, the AfESG provides, through its network of expert knowledge and the maintenance of the African elephant component of the African and Asian Elephant Database (AAED), key support to the CITES (Convention on International Trade in Endangered Species of Fauna and Flora) community, to assist with rational, science-based decision-making on the African elephant.</li> <li>7. During the 61<sup>st</sup> meeting of the CITES Standing Committee (15-19 August 2011) a multi-donor technical trust, called the African Elephant Fund for the implementation of an <b>African Elephant Action Plan</b> was launched after full consultation and all formalities were concluded early in the year. Besides France and the Netherlands Germany through the Federal Ministry for Environment, Nature Conservation and Nuclear Safety made <b>in 2011</b> a contribution to the new fund which was announced during a side-event at the 61<sup>st</sup> meeting of the CITES Standing Committee. As a donor state Germany is holding a seat in the African Elephant Fund Steering Committee and was represented at its first meeting from 12<sup>th</sup> – 14<sup>th</sup> December 2011 in Kruger National Park, South Africa. In this first meeting the terms of Reference and funding modalities were agreed on. Germany had granted additional funds for the organisation of the meeting.</li> </ol>
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8. In 2012 Germany's Federal Ministry for Environment, Nature Conservation and Nuclear Safety provided funding for UNEP-WCMC to support a project supervised by the FANC which aims at undertaking an analyses of trade in CITES Appendix I listed species to inform future trade management. The comprehensive, global analysis of CITES trade data is needed to facilitate informed decision making and more effective implementation of the Convention by national authorities. The analysis will provide baseline data on patterns and trends in trade over the last 35 years. Output of the project will be a report '**CITES Trade in Species listed in its Appendices – a Global Overview**' which shall be available in an electronic version prior to the 16<sup>th</sup> Conference of the Parties in Bangkok, Thailand.

9. Germany's Scientific and Management Authorities are using a scientific information system for international species conservation, '**WISIA**' ([www.wisia.de](http://www.wisia.de)), which has been developed by the Scientific Authority of the FANC as an important reference system for dealing with scientific and management related aspects of species conservation. The Oracle based system which is accessible online both in German and in English contains comprehensive information such as on taxonomy, legal protection status and its history as well as on the distribution of the protected plant or animal species. Currently the internet database contains close to 100.000 available names, i.e. 30.000 scientific names, about 50.000 synonyms and 15.000 common names of protected animal and plant species. Furthermore the system provides searchable data sets on the conservation status and the distribution of its taxa. About 400 users per day, mostly from customs and regional CITES authorities, Ministries, Nature Conservation Organisations, traders or private individuals, contact free of costs WISIA-online. Any user can either choose between a synoptic overview and a detailed species fact sheet. In the course of software maintenance in 2012 the online form now supports not only queries on species level but also infraspecific inquiries.

10. Germany's Scientific Authority is still keeping up to date the database '**ZEET**' ([www.zeet.de](http://www.zeet.de)), with a complete collection of all individual decisions adopted at EU level on the import of protected species of fauna (under Annex A and B of the EU Wildlife Trade Regulation) from certain countries of origin, for internal and external use. Due to the complexity of EU legislation there is a considerable need of information in the public regarding the provisions on the import of protected animal species such as parrots, chameleons or brown bear hunting trophies. Although import permits are issued on a national basis a large number of decisions taken at EU level must also be taken into account. ZEET offers a direct overview of those protected species that may or may not be imported into the EU member states. ZEET contains 1,076 import decisions for 559 animal species (**data as of 20th December 2012**), supplemented by export quotas as officially reported by countries of origin for some 772 species/country of origin combinations. The data base of ZEET provides for a synopsis of all individual decisions and annual export quotas currently in force for respective species which are listed in alphabetical order by their scientific name. The German version is available via internet as a PDF-file ([www.zeet.de](http://www.zeet.de)).The ZEET information system targets at animal traders and importers, nature and species conservation authorities, breeders, journalists or media and private individuals interested in nature conservation. The legal relevance of the online information is assured by continuous up-dates by Germany's Scientific Authority.

11. In 2012 Germany started a project in cooperation with TRAFFIC International to **develop improved guidance for the making of Non-Detriment Findings (NDF) for plant species**. Many CITES member countries are exporting wild CITES Appendix II plants and their Scientific Authorities have to elaborate an NDF on a case by case basis. However, scientific guidance to support these Scientific Authorities in this important task is limited. The project has a process of nine steps that the making of an NDF can be broken down to. The draft guidance has been used in a successful workshop held in Hanoi in collaboration with the Vietnamese Scientific Authority **in November 2012** where NDFs for three plant species of the genus *Cycas spp.* were prepared jointly with a group of wildlife enforcement officers."

12. In **May 2011**, the FANC, together with the Institute of Wood Technology and Wood Biology at the Johann Heinrich von Thünen Institute Hamburg (vTI) organized and conducted the **third international training workshop "Identification of CITES timber species"**. The course took place in Hamburg/Germany which 15 participants from 8 countries attended. Lectures and practical instructions were given by wood anatomist Dr. G. Koch. During the workshop participants from a wide range of backgrounds were empowered to use the CD-Rom "**CITESwoodID**" as an aid to the identification of CITES timbers respectively to exclude timbers that are not CITES protected. A representative from the Netherlands customs administration in Rotterdam presented the results of the wood project.

	<p>In this joint project, timber shipments to the Netherlands were observed, tracked and identified. The project demonstrated clearly, that training courses in wood identification for CITES officers could be very useful when checking suspect timber shipments. The presentations by staff of the University of Hamburg provided an overview on voluntary standards initiatives and regulatory approaches against illegal logging as well as on recent developments in the identification of species and origin of timber species by DNA and chemical fingerprint methods. Participants gave a very positive feedback of the course and agreed that such training could be repeated to raise capacity for risk analysis for timber shipments.</p> <p>13. From <b>28<sup>th</sup> – 29<sup>th</sup> April 2012</b> a representative from the German SA attended as lecturer the regular annual <b>meeting of the association of German violin and bow makers</b>. Subject of the lecture was the significance of CITES as an important implementation tool for sustainable timber harvest and trade.</p>
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**D7 Collaboration/co-operative initiatives**

1	Is there an inter-agency or inter-sectoral committee on CITES?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	No information <input type="checkbox"/>																								
2	<p>If Yes, which agencies are represented and how often does it meet?</p> <p><b>Species Conservation Advisory Committee for the implementation of CITES</b></p> <p>A new advisory committee on "Conservation of Species in International Trade" was set up at the Federal Agency for Nature Conservation (FANC) in May 1995 (Federal Gazette No. 94, amended on 29<sup>th</sup> March 1999, Federal Gazette No. 67). Its task is to advise the FANC on the implementation of species conservation provisions, and also to advise the Federal Ministry for the Environment, Nature Conservation and Nuclear Safety &lt;BMU&gt; on the development of species conservation legislation relating to imports and exports. The advisory committee is composed of a total of 14 representatives drawn from the scientific community, nature conservation organisations and representatives from the industry, trade or consumer associations. The committee's day-to-day business and its working groups are managed by the Federal Agency for Nature Conservation. The working period for the committee is limited to four years and its 3<sup>rd</sup> working period ended in 2007. Since that time the Ministry of Environment, Nature Conservation and Nuclear Safety had not requested a reinstallation of the Species Conservation Advisory Committee for another working period.</p>																											
3	<p>If No, please indicated the frequency of meetings or consultancies used by the MA to ensure co-ordination among CITES authorities (e.g. other MAs, SA(s), Customs, police, others):</p> <table border="1"> <thead> <tr> <th></th><th>Daily</th><th>Weekly</th><th>Monthly</th><th>Annually</th><th>None</th><th>No information</th><th>Other (specify)</th></tr> </thead> <tbody> <tr> <td>Meetings</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td></td></tr> <tr> <td>Consultations</td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td><input type="checkbox"/></td><td></td></tr> </tbody> </table>					Daily	Weekly	Monthly	Annually	None	No information	Other (specify)	Meetings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		Consultations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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4	<p>At the national level have there been any efforts to collaborate with:</p> <table border="1"> <thead> <tr> <th></th><th>Tick if applicable</th><th>Details if available</th></tr> </thead> <tbody> <tr> <td>Agencies for development and trade</td><td><input checked="" type="checkbox"/></td><td></td></tr> <tr> <td>Provincial, state or territorial authorities</td><td><input checked="" type="checkbox"/></td><td></td></tr> <tr> <td>Local authorities or communities</td><td><input checked="" type="checkbox"/></td><td></td></tr> <tr> <td>Indigenous peoples</td><td><input type="checkbox"/></td><td></td></tr> <tr> <td>Trade or other private sector associations</td><td><input checked="" type="checkbox"/></td><td></td></tr> <tr> <td>NGOs</td><td><input checked="" type="checkbox"/></td><td></td></tr> <tr> <td>Other (specify)</td><td><input type="checkbox"/></td><td></td></tr> </tbody> </table>					Tick if applicable	Details if available	Agencies for development and trade	<input checked="" type="checkbox"/>		Provincial, state or territorial authorities	<input checked="" type="checkbox"/>		Local authorities or communities	<input checked="" type="checkbox"/>		Indigenous peoples	<input type="checkbox"/>		Trade or other private sector associations	<input checked="" type="checkbox"/>		NGOs	<input checked="" type="checkbox"/>		Other (specify)	<input type="checkbox"/>	
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NGOs	<input checked="" type="checkbox"/>																											
Other (specify)	<input type="checkbox"/>																											
5	<p>To date, have any Memoranda of Understanding or other formal arrangements for institutional cooperation related to CITES been agreed between the MA and the following agencies? <span style="float: right;">Tick if applicable</span></p> <table border="1"> <tbody> <tr> <td>SA</td><td><input type="checkbox"/></td></tr> <tr> <td>Customs</td><td><input checked="" type="checkbox"/></td></tr> <tr> <td>Police</td><td><input type="checkbox"/></td></tr> <tr> <td>Other border authorities (specify)</td><td><input type="checkbox"/></td></tr> <tr> <td>Other government agencies</td><td><input type="checkbox"/></td></tr> <tr> <td>Private sector bodies</td><td><input type="checkbox"/></td></tr> <tr> <td>NGOs</td><td><input type="checkbox"/></td></tr> <tr> <td>Other (specify)</td><td><input type="checkbox"/></td></tr> </tbody> </table>				SA	<input type="checkbox"/>	Customs	<input checked="" type="checkbox"/>	Police	<input type="checkbox"/>	Other border authorities (specify)	<input type="checkbox"/>	Other government agencies	<input type="checkbox"/>	Private sector bodies	<input type="checkbox"/>	NGOs	<input type="checkbox"/>	Other (specify)	<input type="checkbox"/>								
SA	<input type="checkbox"/>																											
Customs	<input checked="" type="checkbox"/>																											
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NGOs	<input type="checkbox"/>																											
Other (specify)	<input type="checkbox"/>																											

6	<p>Has your country participated in any regional activities related to CITES?</p> <p style="text-align: right;">Tick if applicable</p> <p>Workshops <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>Meetings <span style="float: right;"><input checked="" type="checkbox"/></span></p> <p>Other (specify) <span style="float: right;"><input checked="" type="checkbox"/></span></p> <ul style="list-style-type: none"> <li>- The Federal Ministry of Environment, Nature Conservation and Nuclear Safety has concluded an agreement with ITTO and provided respective financial means in order to determine the conservation status of certain African tropical timber species and to hold a regional workshop. Some of the expected outputs of this initiative were to collect up-to-date information on the utilization, management, trade and conservation needs of the tropical timber species 'wengé' (<i>Millettia laurenti</i>) and 'bubinga' (<i>Guibourtia</i> spp.) in order to enhance regional collaboration and knowledge sharing and to consider whether a CITES listing of one of more relevant species could improve management and conservation of the respective timber species. The regional workshop was held from 6<sup>th</sup> – 7<sup>th</sup> June 2012 in Douala, Cameroon. The meeting was attended by representatives from Cameroon, Congo, Ivory Coast, Gabon, Central African Republic, Democratic Republic of Congo and Equatorial Guinea. The proceedings of the meeting are electronically available in the world wide web under following link:  <a href="http://www.itto.int/files/user/cites/cameroon/Report%20of%20the%20Douala%20workshop.pdf">http://www.itto.int/files/user/cites/cameroon/Report%20of%20the%20Douala%20workshop.pdf</a>.</li> <li>- In order to raise more awareness at the UN level about the current level in illicit wildlife trafficking as a transnational organized crime the Permanent Missions of Germany and Gabon to the UN in cooperation with the World Wide Fund for Nature (WWF) invited representatives of all UN missions in new York for a panel discussion on illicit wildlife trafficking on 12<sup>th</sup> December 2012. Panel speakers included the Undersecretary of State for Economic Growth, Energy and Environment of the US State Department, the CEO of WWF, the Executive Secretary of the National Park Agency of the Government of Gabon and the President of the American College of Traditional Chinese Medicine.</li> <li>- From 19<sup>th</sup> – 22th September 2011 two representatives from Germany's FANC's Management Authority and Scientific Authority attended as participants and lecturer the European Regional CITES Plants Meeting in Tbilisi, Georgia. The meeting aimed to exchange information between European countries on different CITES issues, among them capacity building, identification of species, implementation of timber trade, cultivation of geophytes and interpretation of annotations. In its lecture the representative from the German SA outlined different aspects of the relationship of cultivation and wild collecting of medicinal plants in the context of CITES and its underlying principle of sustainable use. The representative from the German MA reported about the implementation of CITES regulations in relation to specimens of CITES protected timber species (imports, trade in Germany and re-exports). He stressed the results of the German national timber working group and introduced measures for enhanced appropriate controls within Germany.</li> </ul>
7	<p>Has your country encouraged any non-Party to accede to the Convention?</p> <p style="text-align: right;">Yes <input type="checkbox"/></p> <p style="text-align: right;">No <input checked="" type="checkbox"/></p> <p style="text-align: right;">No information <input type="checkbox"/></p>
8	<p>If Yes, which one(s) and in what way?</p>
9	<p>Has your country provided technical or financial assistance to another country in relation to CITES?</p> <p style="text-align: right;">Yes <input checked="" type="checkbox"/></p> <p style="text-align: right;">No <input type="checkbox"/></p> <p style="text-align: right;">No information <input type="checkbox"/></p>

10	If Yes, which country (-ies) and what kind of assistance was provided? <b>See answers given under question D 6 (4)</b>		
11	Has your country provided any data for inclusion in the CITES Identification Manual?	Yes No No information	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
12	If Yes, please give a brief description.		
13	Has your country taken measures to achieve co-ordination and reduce duplication of activities between the national authorities for CITES and other multilateral environmental agreements (e.g. the biodiversity-related Conventions)?	Yes No No information	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
14	If Yes, please give a brief description.		
15	Please provide details of any additional measures taken:		

**D8 Areas for future work**

1	Are any of the following activities needed to enhance effectiveness of CITES implementation at the national level and what is the respective level of priority?			
	Activity	High	Medium	Low
	Increased budget for activities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Hiring of more staff	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Development of implementation tools	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Improvement of national networks	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Purchase of new technical equipment for monitoring and enforcement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Computerisation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	Other (specify)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
In particular for both <b>Scientific Authorities</b> hiring of more staff and the increase in financial resources remains an issue. These two constraints have impeded the performance of both authorities.				
2	Has your country encountered any difficulties in implementing specific Resolutions or Decisions adopted by the Conference of the Parties?	Yes	<input type="checkbox"/>	
		No	<input checked="" type="checkbox"/>	
		No information	<input type="checkbox"/>	
3	If Yes, which one(s) and what is the main difficulty?			
4	Have any constraints to implementation of the Convention arisen in your country requiring attention or assistance?	Yes	<input type="checkbox"/>	
		No	<input checked="" type="checkbox"/>	
		No information	<input type="checkbox"/>	
5	If Yes, please describe the constraint and the type of attention or assistance that is required.			
6	Has your country identified any measures, procedures or mechanisms within the Convention that would benefit from review and/or simplification?	Yes	<input checked="" type="checkbox"/>	
		No	<input type="checkbox"/>	
		No information	<input type="checkbox"/>	
7	If Yes, please give a brief description.			
	<p>Germany considers that there is scope for improvement concerning transparency and accountability in voting during Conferences of the Parties of CITES which needs to be reflected in the provisions to voting in the 'Rules of Procedures' for such meetings.</p> <p>Furthermore unlike many other international Conventions CITES has not yet satisfactorily and conclusively addressed the issue of potential conflicts of interests which members of the Conventions scientific and technical committees can be confronted with and how these can be avoided. There is a need to assess the functioning of the conflict of interest policy and to define more precisely what conflict of interest means in order to establish in future a robust mechanism to deal with such conflicts.</p>			
8	Please provide details of any additional measures taken:			

### E. General feedback

Please provide any additional comments you would like to make, including comments on this format.

Thank you for completing the form. Please remember to include relevant attachments, referred to in the report. For convenience these are listed again below:

Question	Item		
B4	Copy of full text of CITES-relevant legislation	Enclosed Not available Not relevant	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
C1	Inspections of traders, producers, markets <b>see ATTACHMENT 1</b>	Enclosed Not available Not relevant	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
C3	Details of violations and administrative measures imposed <b>see ATTACHMENT 2</b>	Enclosed Not available Not relevant	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
C5	Details of specimens seized, confiscated or forfeited <b>see ATTACHMENT 3</b>	Enclosed Not available Not relevant	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
C7	Details of violations and results of prosecutions <b>see ATTACHMENT 4</b>	Enclosed Not available Not relevant	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
C9	Details of violations and results of court actions <b>see ATTACHMENT 5</b>	Enclosed Not available Not relevant	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
D5 (3)	CITES documents issued <b>see ATTACHMENT 6</b>	Enclosed Not available Not relevant	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
D5 (10)	Charges for the issuance of CITES documents <b>see ATTACHMENT 7</b>	Enclosed Not available Not relevant	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
D4(10)	Details of nationally produced brochures or leaflets on CITES produced for educational or public awareness purposes,	Enclosed Not available Not relevant	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>

### Comments on the reporting format

In principle the biennial report format as adopted at CITES CoP 13 has proven to be adequate and relatively easy to complete.

However the information value in relation to questions D1-5&6 and D2-5&6 referring to staff numbers and time spent on work in CITES Management Authorities and Scientific Authorities remains highly questionable as there are many instances where such staff is not only working on CITES matters but likely also on other conservation or non-conservation issues. Hence it would be extremely difficult and time consuming to evaluate precisely the time and work input on CITES issues only.



# **ATTACHMENT 1**

(Referring to question C 1)

***Details on inspections of traders,  
producers and markets carried out  
by Germany's 'Länder' Authorities  
and other authorities  
in 2011 – 2012***

Number of controls carried out in 2011 and 2012						
Federal States	2011			2012		
	1)	2)	Σ	1)	2)	Σ
<b>Baden-Württemberg</b>	42	24	66	72	76	148
<b>Bavaria</b>	528	209	737	438	221	659
<b>Berlin</b>	931	49	980	692	37	729
<b>Brandenburg</b>	28	5	33	33	2	35
<b>Bremen</b>	73	8	81	79	10	89
<b>Hamburg</b>	30	17	47	43	8	51
<b>Hesse</b>	361	33	394	384	83	467
<b>Mecklenburg- Western Pomerania</b>	1	0	1	1	4	5
<b>Lower Saxony</b>	338	76	404	273	66	339
<b>North-Rhine/ Westphalia</b>	786	224	1010	728	234	962
<b>Rhineland-Palatinate</b>	253	118	371	224	79	303
<b>Saarland</b>	191	23	214	199	39	238
<b>Saxony</b>	252	85	337	215	111	326
<b>Saxony-Anhalt</b>	200	78	278	166	58	224
<b>Schleswig-Holstein</b>	21	40	61	35	22	57
<b>Thuringia</b>	428	39	467	389	43	432

1) Regular controls

2) Controls based on tip-offs

# **ATTACHMENT 2**

(Referring to question C 3)

***Administrative and criminal offence  
proceedings  
sanctioned by Germany's 'Länder' Authorities  
in 2011 – 2012***

## Number of administrative offence proceedings and criminal offence

### Proceedings sanctioned by 'Länder' Authorities in Germany in 2011/2012

Concluded administrative proceedings				Concluded criminal proceedings		
Federal States	Year	Number	Total fines	Number	Discontinued	Total fines
Baden-Württemberg	2011	6	1,500 €	0	0	0 €
	2012	11	2,668 €	0	0	0 €
Bavaria	2011	30	315 €	6	3	4,000 €
	2012	31	510 €	9	5	5,000 € <sup>2)</sup>
Berlin	2011	3	100 €	41	0	800 €
	2012	6	370 €	17	3	300 € <sup>3)</sup>
Brandenburg	2011	7	0 €	0	0	0 €
	2012	3	0 €	1	1	0 €
Bremen	2011	0	0 €	0	0	0 €
	2012	0	0 €	0	0	0 €
Hamburg	2011	4	435 €	1		<sup>4)</sup>
	2012	0	0 €	0	0	0 €
Hesse	2011	14	1,050 €	2	1	900 €
	2012	6	850 €	3	0	2,870 €
Mecklenburg-Western Pomerania	2011	0	0 €	0	0	0 €
	2012	0	0 €	0	0	0 €
Lower Saxony	2011	0	0 €	4	3	160 €
	2012	1	1,080 €	2	1	1,500 €
North-Rhine/ Westphalia	2011	10	1,125 €	14	6	5,600 € <sup>5)</sup>
	2012					51,600 € <sup>8)</sup>
		33	5,315 €	11	5	<sup>9)</sup>
Rhineland-Palatinate	2011	10	506 €	1	1	0 €
	2012	11	1,690 €	2	2 <sup>1)</sup>	0 €
Saarland	2011	4	50 €	0	0	0 €
	2012	4	125 €	0	0	0 €
Saxony	2011	6	435 € <sup>7)</sup>	2	2	0 €
	2012	2	97 €	4	3	1,050 €
Saxony-Anhalt	2011	4	1,125 €	3	2	550 €
	2012	2	285 €	1	0	1,500 € <sup>6)</sup>
Schleswig-Holstein	2011	0	0 €	0	0	0 €
	2012	0	0 €	0	0	0 €
Thuringia	2011	5	526 €	1	1	0 €
	2012	4	620 €	1	0	0 € <sup>10)</sup>

1) One procedure discontinued by prosecution

2) One year imprisonment with three years of probation

3) Adjustment against payment of € 300 and waiver of seized eel in value of € 3,540

4) Trade of *Dalbergia nigra*, sentenced to 90 daily

5) Fine of € 1,500 and imprisonment of two years

6) 50 days sets of 30 € = € 1,500 and a year on probation

7) Handed over to prosecution

8) One year imprisonment on probation and fine of € 45,000 (300 x 150 €)

9) One year imprisonment on probation

10) Three years imprisonment

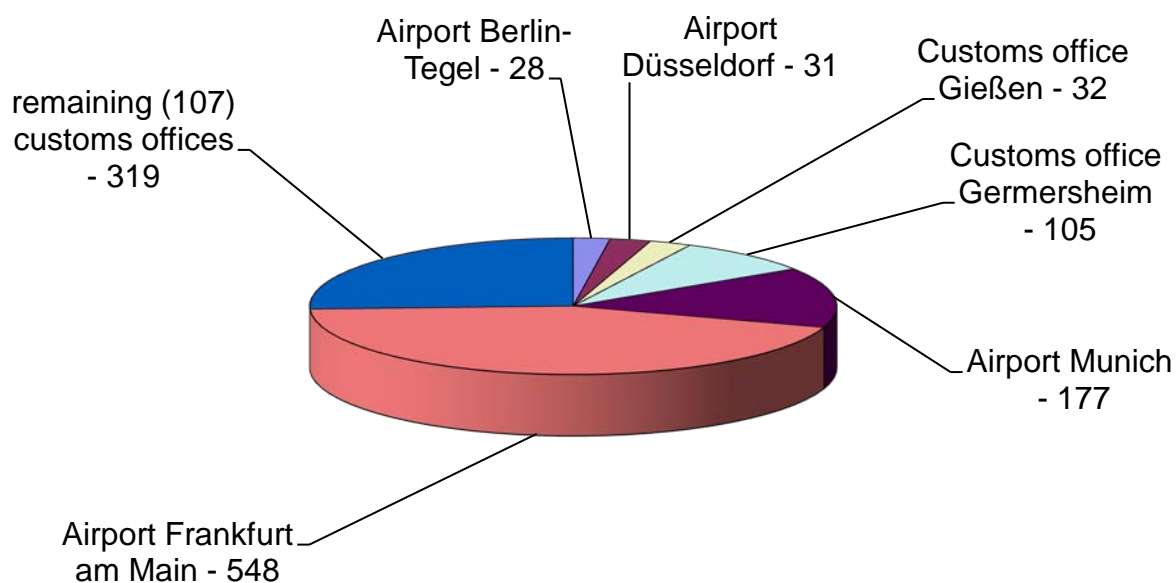
# **ATTACHMENT 3**

(Referring to question C 5)

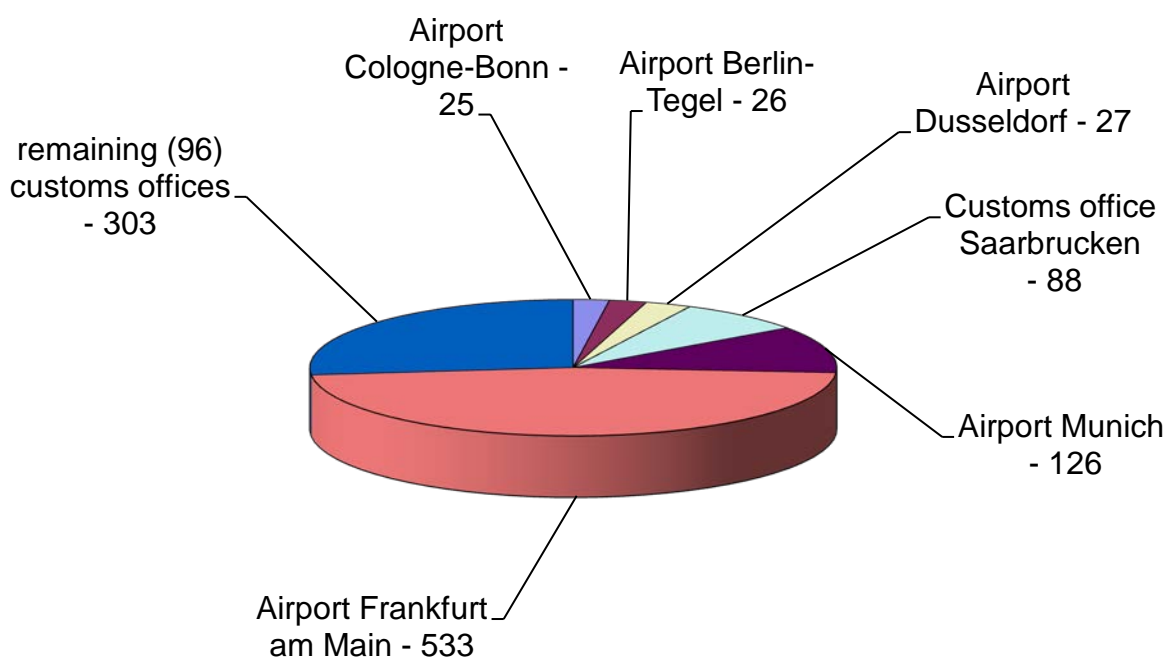
***Details of specimens seized,  
confiscated or forfeited  
in 2011 – 2012***

**Attachment 3.1 Number of confiscations at major German ports of entry in 2011/2012**

**2011 - total 113 customs offices involved**



**2012 - total 102 customs offices involved**



Status: 18.12.2012

Code	Description	Procedure	Seizure			Procedure	Cancelled			Procedure	Confiscation		
			NO	Specimen KG	L		NO	Specimen KG	L		NO	Specimen KG	L
BOD	Stuffed specimens	61	333			8	140			50	160		
BON	Bones	6	7							5	5		
CAP, SCA	carapaces, scales	12	72			1	3			11	69		
CAR	Tortoise shell-carving	1	3							1	3		
CAV	Caviar	45	14,56							43		14,33	
COR, COM	Corals also manufactured	228	5,025	2,504,05		18	3,214	2,500,00		204	1,763	4,05	
DER	Derivatives	2	1	0,06		1		0,06		1	1		
DPL, LVS	Dried plants, leaves	3	1	0,56						2	1	0,47	
EGG	Eggs	1	2							1	2		
FEA	Feathers	7	103			1	10			6	93		
GAR	Garments	14	44			6	28			8	16		
HAI	Hairs	10	102							10	102		
IVC	Ivory-carving	34	2,171			1	20			31	2,127		
IVK	Ivory-key/board	2	2			1	1			1	1		
IVP	Ivory-pieces	3	11	1,99		1	2			1	9		
LIA	Live animals	34	758			11	514			23	234		
LIP	Live plants	88	8,850			31	7,080			47	864		
LPL, LPS	Leather products (small/large)	275	700			64	184			200	448		
MEA	Meat	6		42,30						5		17,30	
MED, EXT, OIL	Medicine, extracts, oil	240	75,872	121,62	84,00	7	624	61,73	5,20	226	75,248	17,59	78,80
ROO, COS, POW, WAX	Roots, cosmetics, powder, wax	27	4,857	24,17	52,86	10	3,706	23,16	51,44	14	716	1,01	1,42
SAW	Sawn wood	2	22			1	20			1	2		
SEE	Seeds	2		2,15						2		2,15	
SHE	Shells	30	369			1	12			28	356		
SKI, SKP, SID, PLA	Skins, skin pieces, sides, plates	43	196	270(Ft)		23	81	270(Ft)		16	40		
TIM	Cacti-rainsticks	2	2	0,42						1		0,42	
TRO, FOO, SKU, TEE, CLA, TAI, EAR, HOR	Trophies and parts of trophies	49	134			15	28			98	85		
TUS	Tusks	6	11			1	2			3	3		
Total	Specimens	1,233	99,648	2667,85 270 (Ft)	136,86	202	15,669	2522,16 270 (Ft)	5,17	1,039	82,348	57,32	80,22

## Notes on the confiscations in 2011:

Following taxa (data not complete) and specimens were confiscated. Information on seizures which were cancelled is indicated in italic letters.

	<b>Germany – Notes on the confiscations in 2011</b>
LIA	Chamaeleo spp. (103, <i>cancelled: 80</i> ); Morelia spp. (107); Testudinidae spp. (30, incl. 20 Trachemys scripta elegans); Python spp. (182, <i>cancelled: 3</i> ); Varanus spp. (38); Tridacana maxima ( <i>cancelled: 190</i> )
LIP, SEE	Cactaceae spp. (LIP- 717, <i>cancelled: 46</i> ); Orchidaceae spp. (LIP- 7528, <i>cancelled: 6000</i> ); Operculicarya hypaenoides (SEE- 1,68 kg)
TUS	Loxodonta africana (9, <i>cancelled: 2</i> ); Odobenus rosmarus (2)
IVC, IVP	Loxodonta africana (IVC- 2167 No, <i>cancelled: 20 No</i> ; IVP- 1,99 kg, 9 No), Elephas maximus (IVC- 3 No; IVP- 2 No)
LPL, LPS	Crocodylia spp. (LPL- 68, LPS- 214; <i>cancelled: LPL- 45, LPS- 84</i> ); Python spp. (LPL- 86, LPS- 79; <i>cancelled: LPL- 30, LPS- 14</i> ); Varanus spp. (LPL- 7, LPS- 67)
TRO, FOO, SKU, TEE, CLA, EAR, HOR	Ursus arctos (TRO- 2, <i>cancelled: 2</i> ); Crocodylia spp. (TEE- 22); Alligator mississippiensis (SKU- 2); Canis lupus (SKU- 1); Lynx spp. (CLA- 4); Testudinidae (CLA- 6); Tremarctos ornatus (CLA- 4); Loxodonta africana (FOO- 10, <i>cancelled: 4</i> ; EAR- 1); Oryx dammah (HOR- 3)
BOD	Accipiter striatus (2); Bubo virginianus (1); Caretta caretta (1); Eretmochelys imbricata (1); Hippocampus (82); Naja naja (44); Ornithoptera priamus (28); Parnassius apollo (2); Ptyas mucosus (3); Lucanus spp. ( <i>cancelled: 57</i> ); Ornithoptera spp. ( <i>cancelled: 63</i> )
CAP, SCA	Cheloniidae spp. (CAP- 6); Stigmochelys pardalis (CAP- 1); Testudinidae spp. (CAP- 62, SCA- 2); Testudo hermanni (CAP- 1)
COR	Heliopora coerulea (36 No.); Pterogyrina sinuosa (8 No); Scleractinia spp. (2634 kg, <i>cancelled: 2500 kg</i> ; 4703 No, <i>cancelled: 2960 No</i> ); Tubipora musica (76 No.)
SKI, SKP, PLA	Caiman yacare (SKI- 15); Canis Lupus (SKI- 3, SKP- 6); Crocodylia spp. (SKI- 3, SKP- 60); Equus zebra hartmannae (SKI- 13, <i>cancelled: 11</i> ); Tupinambis merianae (SKI- 7); Ceratotherium simum (SKP- 1); Lontra canadensis (SKP- 4); Ursus americanus (PLA -2); Loxodonta africana ( <i>cancelled: SKP- 270 FT<sup>2</sup></i> )
SHE	Tridacnidae spp. (307, <i>cancelled: 12</i> ), Strombus gigas (59), Hippopus hippopus (1)
MED, EXT, OIL	Hippocampus spp. (MED - 15360 No); Panthera pardus (MED- 120 No, <i>cancelled: 20</i> ); Panthera tigris (MED- 135 No); Saiga tatarica (MED - 600 No); Saussurea costus (MED- 40844 No); Orchis mascula (MED- 1140 No); Aloe ferox (EXT- 60 Kg; 4,2 L; 64 No); Aloe spp. (EXT- 6,722 kg; 60 No); Gastrodia spp. (EXT- 60 No); Hoodia spp. (EXT-2700 No); Orchidaceae spp. (EXT- 2,15 kg, 75 L, 8380 No); Crocodylus porosus ( <i>cancelled: OIL-165 ml</i> )
EGG	Spheniscus demersus (2)
FEA	Ara ararauna (36); Falconiformes spp. (9); Psittaciformes spp. (55)
BON	Anthracosceros spp. (1); Balaena mysticetus (2); Cetacea spp. (1) ; Loxodonta Africana (2)
MEA	Acipenseriformes spp. (2, 1 kg); Boa constrictor (11,2 kg); Erythrocebus patas/Pteropus spp. (25 kg); Varanus spp. (2 kg)
GAR	Arctocephalus spp. (1); Canis lupus (2); Crocodylia spp. (26); Lynx lynx (2); Panthera pardus (1); Pythonidae spp. (4)
HAI	Hystrix cristata (97); Loxodonta africana (5)
ROO, COS	Hydrastis canadensis (ROO- 500 No); Panax ginseng (ROO- 60 No, <i>cancelled: 30</i> ); Panax quinquefolius (ROO- 23 No); Aloe ferox (COS- 3,116 kg; 52,665 L; 220 No; <i>cancelled: 2,116 kg</i> ); Ursidae (COS- 450 G)
SAW	<i>Cancelled: Dalbergia retusa (20 No.)</i>



Status: 09.04.2013

Code	Description	Procedure	Seizure			Procedure	Cancelled			Procedure	Confiscation		
			NO	Specimen KG	L		NO	Specimen KG	L		NO	Specimen KG	L
BOD	Stuffed specimens	44	617										
BON	Bones	4	13			5	432				31	76	
CAP	carapaces	7	133								4	13	
CAR	Carvings	78	985	115,42		9	114	52,00			6	117	
CAV	Caviar	33		12,95		1		0,34			42	330	63,12
CHP	Chips	1		0,10							24		9,76
COR	Corals	219	4.614	782,20		8	2.145	740,00			184	1.818	33,30
DER	Derivatives	8	54		0,15	1	2				4	39	
DPL, LVS	Dried plants, leaves	4	2.602			1	1.400				2	102	
EGG	Eggs	1	6								1	6	
FEA	Feathers	20	2.205								15	561	
GAR	Garments	7	18								5	6	
HAI	Hairs (braçólets)	9	21			3	5				6	16	
HAI	Hairs	6	74	10 cm²		1		10 cm²			1	3	
IVP	Ivory pieces	2	5								2	5	
LIV	Living specimens	116	7.115	7,77		39	4.878				64	1.127	
LPL,LPS	Leather products (small/large)	205	1.312			37	833				114	238	
MEA	Meat	8		25,54		1		23,50			6	1,99	
MED, EXT, OIL, SPE	Medicine, extracts, oil, scientific samples	213	46.321	280,22	94,84	20	5.640	16,66	4,76		139	24.860	263,56
ROO	Roots	13	65	4,64		3	3				8	10	3,64
SAW	Sawn wood	2	16	1,00									
SEE	Seeds	2	320								2	320	
SHE	Shells	29	122			2	2				21	95	
SKI, SKP	Skins, skin pieces	33	113			11	82				15	24	
TIM	Incense sticks	1		0,10									
TRO, FOO, SKU, TEE, CLA, HOR, SKE	Trophies and parts of trophies	51	314			9	16				22	264	
TUS	Tusks	8	13			1	3				3	4	
Total	Specimens	1.124	67.058	1202,70 10 cm²	94,99	152	15.555	756,87 10 cm²	4,76		721	30.034	375,37
													85,78

## Notes on the confiscations in 2012:

Following taxa (data not complete) and specimens were confiscated. Information on seizures which were cancelled is indicated in italic letters.

LIV	Psittaciformes spp. (10, 2), Uromastix thomasi (31), Testudinidae spp. (27, 2; incl. 22 Trachemys scripta elegans), Hirudo medicinalis (98), Dendrobates spp. (160), Cactaceae spp. (106), Orchidaceae (662, 2208) <i>Cancelled: Pandinus imperator (1000), Python regius (8); Iguana iguana (100), Tillandsia xerographica (750)</i>
TUS	Elephantidae spp. (2), Loxodonta africana (1), Odobenus rosmarus (1; 3)
CAR, IVP	Loxodonta africana (CAR-235, 59; 1,022 kg; IVP-5), Elephas maximus (CAR-10, 1), Cheloniidae spp. (CAR-52) <i>Cancelled: Corallium secundum (CAR-50), Cancelled: Dalbergia nigra (52 kg)</i>
LPL, LPS	Pythonidae spp. (LPL-16; LPS-86, 339), Crocodylia spp. (LPL-3, 2 ; LPS-102, 171), Felidae spp. (LPS-1)
TRO, TEE, SKU, CLA	Ammotragus lervia (TRO-1), Crocodylia spp. (TEE-128), Hippopotamus amphibius (TEE-112), Panthera pardus (SKU-1, 1), Primates spp. (SKU-2, 3), Ursidae spp. (SKU-1, 1; CLA-2)
BOD	Poicephalus gulielmi (4), Falco peregrinus (1), Naja naja (32), Chelonia mydas (1), Eretmochelys imbricata (1), Hippocampus spp (32) <i>Cancelled: Ornithoptera spp. (404)</i>
COR	Antipatharia spp. (12), Scleractinia spp. (1788, 3045)
CAP	Cheloniidae spp. (CAP-115), Stigmochelys pardalis (CAP-1)
SKI, SKP	Panthera pardus (SKI-1), Ursus arctos (SKI-1), Ursidae spp. (SKI-1, 3), Python spp. (SKI-11), Varanus spp. (SKI-1), Panthera leo (SKP-1) <i>Cancelled: Equus zebra hartmannae (SKI-6), Puma concolor (SKI-1), Python molurus bivittatus (SKP-68)</i>
SHE	Tridacnidae spp. (58, 1), Strombus gigas (39)
MED, EXT, OIL	Hoodia spp. (EXT-10148, 4500), Saussurea costus (MED-11710; EXT-11,71 kg, 85 L), Panthera pardus (MED-30), Panthera tigris (MED-200), Saiga tatarica (EXT-1450), Aquilaria spp. (EXT-216 kg), Ursus arctos (OIL- 0,667 kg) <i>Cancelled: Aloe ferox (EXT-16,474 kg, 3.18 L)</i>
EGG	Phoenicopteridae spp. (6)
FEA	Ara spp. (230), Ara ambiguus (24), Ara macao (27), Cacatua moluccensis (27), Psittaciformes spp. (242)
BON	Balaenoptera spp.(1), Odobenus rosmarus (1), Python spp. (10)
CAV	Acipenser brevirostrum (1,79 kg), Acipenseriformes spp. (7,4 kg, 0,339 kg)
MEA	Cetacea spp. (1,2 kg), Crocodylia spp. (270 gr), Ptyas mucosus (500 gr) <i>Cancelled: Arapaima gigas (23,5 kg)</i>
GAR	Canis lupus (2), Felidae spp. (1)
HAI, HOR	Loxodonta africana (HAI-16, 4), Capricornis thar (HOR-2) <i>Cancelled: Ceratotherium simum simum (HOR-4)</i>
ROO, DPL	Panax quinquefolius (ROO-3,64 kg), Opuntia imbricata (DPL-101)

Attachment 3.4 Seizures and confiscations by 'Länder' Authorities in Germany in 2011/2012

<b>Number of specimens seized and confiscated by Federal Authorities in 2011 and 2012</b>													
Federal States	Year	Living animals				Living plants				Dead specimens, parts and derivatives			
		Annex A		Annex B		Annex A		Annex B		Annex A		Annex B	
		1)	2)	1)	2)	1)	2)	1)	2)	1)	2)	1)	2)
Baden-Württemberg	2011	15	15	10	3	0	0	0	0	2	2	0	0
	2012	22	6	63	12	0	0	0	0	7	6	2	2
Bavaria	2011	37	73	36	70	0	0	0	0	9	0	2	1
	2012	126	84	131	42	0	0	0	0	18	17	51	2
Berlin	2011	5	20	16	131	0	0	0	0	111	108	77	76
	2012	17	30	29	156	0	0	0	0	5	312	2 <sup>3)</sup>	274 <sup>4)</sup>
Brandenburg	2011	2	1	13	13	0	0	0	0	0	0	0	0
	2012	0	2	3	3	0	0	0	0	0	0	0	0
Bremen	2011	0	0	0	0	0	0	0	0	0	4	0	3
	2012	6	2	1	0	0	0	0	0	0	0	0	0
Hamburg	2011	0	0	9	9	0	0	0	0	16	16	0	0
	2012	5	5	0	0	0	0	0	0	6)	6)	0	6)
Hesse	2011	28	72	17	56	0	0	0	0	25	16	56	1
	2012	26	95	33	64	0	0	0	0	29	29	53	50
Mecklenburg-Western Pomerania	2011	0	0	0	0	0	0	0	0	0	0	0	0
	2012	0	0	0	0	0	0	0	0	0	0	0	0
Lower Saxony	2011	49	0	108	5	30	30	10	10	0	0	9	0
	2012	13	5	38	18	0	0	100	0	143	1	94	85
North-Rhine/ Westphalia	2011	125	128	106	117	0	0	0	0	23	291	274	330
	2012	130	148	144	119	0	0	0	0	7	28	1	38
Rhineland-Palatinate	2011	65	30	5	7	0	0	0	0	0	0	0	0
	2012	14	20	17	18	0	0	0	0	0	0	94	94
Saarland	2011	7	12	10	2	0	0	0	0	1	0	0	0
	2012	4	15	24	3	0	0	0	0	0	0	0	0
Saxony	2011	35	47	41	39	0	0	0	0	13	10	2	2
	2012	42	29	201	213 <sup>5)</sup>	0	0	83	0	25	4	14	3
Saxony-Anhalt	2011	18	11	29	24	0	0	0	0	9	6	2	2
	2012	25	23	36	17	0	0	0	0	3	3	0	0
Schleswig-Holstein	2011	16	16	0	0	0	0	0	0	0	0	0	0
	2012	16	16	0	0	0	0	0	0	0	0	0	0
Thuringia	2011	23	15	47	24	0	0	0	0	3	3	1	1
	2012	7	16	18	27	0	0	0	0	0	0	2	8

1) Seized specimens,

2) Confiscated specimens,

3) Additional 642,4 kg caviar

4) Additional 59 kg caviar

5) Including specimens that have emerged from eggs and tadpoles

6) Various

# ATTACHMENT 4

(Referring to question C 7)

## Details of violations and results of prosecutions

Status of confiscations and administrative offence procedures initiated in 2010, 2011 and 2012, mainly resulting from seizures by German customs authorities

Status of procedures (07 <sup>th</sup> May 2013)	from 2010	from 2011	from 2012
Outstanding procedures	22	30	228
Discontinued by Federal Agency for Nature Conservation	1,230	930	652
Cautions, in some cases with cautionary fines	86	127	105
Administrative orders imposing a fine	155	128	105
<i>of which: currently being enforced by Federal Agency for Nature Conservation</i>	1	1	1
<i>of which: under appeal</i>	1	7	0
Ongoing investigations into suspected criminal offences	5	10	40
Discontinued by public prosecutors/courts	60	58	42
<i>against payment of a fine (Art. 153a Code of Criminal Procedures)</i>	30	36	14
Orders imposing punishments, sentences	24	8	10
<b>Total procedures</b>	<b>1,582</b>	<b>1,291</b>	<b>1,182</b>

Update: May 07<sup>th</sup>, 2013

In addition, there are procedures carried out by the German 'Länder' (federal state authorities), see under **Attachment 2 and 3.4**

# **ATTACHMENT 5**

(Referring to question C 9)

***Details on violations and court actions***

## **Details on violations and court actions**

### **1. Violations in detail**

Following significant infringements and legal measures including seizures, cautions, administrative fines and penal offences were noted within the reporting period:

#### **Reptiles from Indonesia**

At the beginning of February 2011 the German customs office at Munich airport had stopped a shipment of live reptiles from Indonesia destined for a German reptile trader for further examination. The shipment contained in total 143 protected live reptiles covered by Indonesian export permits and the required import permits but also 9 live specimens which were not covered by any documents.

According to the accompanying documents most of the specimens should have been bred in captivity (source code "C" or source code "F") but there was some well-founded suspicion that the specimens had in fact been taken from the wild.

An expert examined the specimens at the border post. After this examination the customs authorities in cooperation with the Management Authority decided to place the specimens at a rescue centre for further checks because the expert was able to confirm the suspicion. The expertise was primarily based on the health conditions of the specimens, their behavior and parasites like ticks and mites found on the specimens.

Further examinations on different parasites were carried out by two different laboratories, one dealing with blood samples the other one dealing with faeces samples. The experts were able to identify different parasites with a very complicated life cycle which usually don't occur at specimens bred in captivity.

Based on the findings of the reports of the experts the German customs authority at Munich airport decided to seize the specimens. In total 119 specimens have been seized, mostly green tree pythons (*Morelia viridis*) but also various other lizard or snake species, most of which died while they were kept at a specialist reptile rescue centre.

The importer appealed against the decision of the customs authority arguing that the specimens could carry such parasites also when they are bred in captivity but short time later he withdrew this appeal. Consequently the Customs authority finally confiscated the specimens. The importer had to pay a fine and the costs of the examination and the keeping of the specimens till the final confiscation.

#### **Ivory in transit**

During the reporting period some significant new trend has been detected in Germany which related to the seizure of ivory carvings which had been sent in transit from Nigeria via Germany to China. In total 4 such shipments could be stopped and nearly 100 kg of Ivory (1965 pieces) could be seized. Unfortunately no controlled delivery could be realised because no further information regarding the consignee could be detected.

#### **Ivory in transit and controlled delivery**

In October 2012 the German customs office at Frankfurt airport detected a parcel which contained around 10 kg of Ivory. The package was sent from the Democratic Republic of Congo and destined for Turkey. In order to render the contents unrecognizable the shipment was declared as rosewood and the ivory was colored reddish. The German customs authority in cooperation with the Turkish authorities decided to release the shipment as a controlled delivery. The package was sent to Istanbul and transmitted to the consignee. The consignee was a person commercially trading with jewelry. This person was imprisoned by the Turkish authorities. In addition 17 kg of Ivory could be seized at his premises. This case had been the first controlled delivery undertaken by German Federal Authorities for any illegal shipment of CITES specimens.

## Reptiles at a hotel

On 9<sup>th</sup> December 2011 German authorities were informed about “some 50 reptiles” detected in a hotel in Cologne. The customs investigation office in cooperation with some experts searched the luggage of three persons (2 Japanese and 1 Chinese citizen). In total 570 exotic reptiles, amphibians and invertebrate specimens could be identified. Besides 58 specimens of *Eryx tatarica* and some tortoises of the species *Geochelone platynota*, *Cuora albinifrons* further 66 specimens of *Mauremys japonica* could be identified. In addition numerous unprotected amphibians such as frogs, newts and salamanders were found. The public prosecutor decided to release the persons after having paid a bail of several thousand Euros.

## Plant material for Ayurveda shops

In January 2012 the German customs detected a shipment of 60 l massage oil, 25 l herbal wine and 10 herbal powder made of *Saussurea costus* and other ingredients. The shipment was sent from India and was destined for an Ayurveda shop in Germany. This is the first shipment of such products detected in Germany.

In autumn 2011 another shipment was stopped containing products made of *Saussurea costus* was detected. In total 50 tubes of tooth paste containing 75g each. The shipment was sent from Sri Lanka to Germany

## Trade in birds and mammals

A German citizen was sentenced to 3 years imprisonment because of the illegal trade in protected species, especially birds and mammals. This person had offered monkeys, spotted cats, parrots, tauracos, birds of prey and owls for sale via World Wide Web without being able to prove the legal importation or the legal acquisition of the live specimens.

## Rare tortoises

As a result of the control of rare tortoises which had already been undertaken some time ago, a German keeper of tortoises was sentenced with a fine of 1500 € and the final confiscation of different rare tortoises (*Astrochelys radiata*).

## Musical instruments made of Brazilian Rosewood

In June 2011 the German customs investigation service has started some investigations regarding the trade in musical instruments made of protected timber especially made of Brazilian Rosewood (*Dalbergia nigra*, App. I CITES). During the investigations also a company based in USA but having some branches in Europe had been checked. The company has sale stores in different European countries. After having checked the German sale store the customs authorities detected copies of 26 CITES re-export certificates issued by the CITES Management Authority of USA for the transport of guitars from USA to the branch in Europe but no import permits could be presented. In total 469 guitars imported without the required import permits could be identified. Most of these guitars have meanwhile been sold to other shops or to private owners not only in the European Union but also to other third countries without any proper CITES documents. The criminal proceedings are still ongoing.

## Examples of fines imposed in other sectors:

• Import of one necklace with a tooth of <i>Panthera pardus</i>	1.000,- €
• Import of 8 ivory carvings ( <i>Elephas maximus</i> ) from the USA	1.000,- €
• Import of 36 living Pythons from Australia	1.800,- €
• Import of 10 large python skins from South Korea	3.000,- €
• Import of 25 Netsukes of ivory ( <i>Elephas maximus</i> ) from the USA	3.000,- €
• Import of 1 hide of jaguar ( <i>Panthera onca</i> ) from Brazil	1.000,- €
• Export of several ivory carvings and two tusks ( <i>Loxodonta africana</i> )	2.000,- €

## 2. Administrative offence procedures

In addition to charges fined by public prosecutors and courts, the Federal Agency for Nature Conservation (BfN) is the responsible authority to initiate administrative offence procedures. Fines of up to 50.000 € may be imposed. The annual revenues from such fines of the Federal Agency for Nature Conservation amount to between 50.000 € and 100.000 €

The examples listed below include fines of 1.000 € and more which were imposed within the reporting period for following illegal shipments, partly after they had been returned by public prosecutors to the BfN for an administrative offence procedure:

• Import and trading of 500 kg <i>Hoodia gordonii</i>	8,000,- €
• Import of 24 large leather pieces and skins of <i>Naja naja</i> and <i>Pythonidae</i>	4.000,- €
• Re-export of 26 m <sup>3</sup> <i>Pericopsis elata</i>	1.000,- €
• Import of 25 kg meat of <i>Erythrocebus patas</i>	2.000,- €
• Import of 31 live <i>Uromastyx thomasi</i>	1.500,- €
• Import of 2 skins of <i>Lynx lynx</i> and <i>Canis lupus</i>	1.000,- €
• Import of a wolf skin ( <i>Canis lupus</i> )	1.000,- €
• Import of 3 live and 1 body of <i>Chamaeleo</i> spp.	1.000,- €
• Import of 4 ivory carvings ( <i>Loxodonta africana</i> )	1.500,- €



# **ATTACHMENT 6**

(Referring to question D 5 (3))

***Number and type of CITES documents issued  
by the  
Federal Agency for Nature Conservation  
in 2011-2012***

**Import and export documents as well as certificates according to Commission Regulation (EC) No 338/97 granted by the Federal Agency for Nature Conservation from January 1st, 2011 - December 31st, 2012**

	2011	2012
<b>Import permits</b>	7.670	7.846
of which for Annex A species	532	390
of which for Annex B species	7.138	7.456
<b>Export permits</b>	2.173	2.215
<b>Re-export certificates</b>	9.777	9.874
<b>Combined permits*</b>	173	135
<b>Other import documents**</b>	841	928
<b>Introduction from the sea</b>	1	0
<b>Permits granting exemptions under the Habitats Directive and Birds Directive</b>	52	47
<b>Total documents</b>	<b>20.687</b>	<b>21.045</b>

Update: February 28<sup>th</sup>, 2013

\* Sample collection certificates, certificates of ownership, travelling exhibition certificates

\*\* Import notifications for specimens listed in Annexes C and D as well as import clearances according to Art. 57(3) VO(EC) No 865/2006 (exceptions for the import for the personal use)

# ATTACHMENT 7

(Referring to question D 5 (10))

## ***Charges for the issuance of CITES documents***

<b>Living specimens</b>	<b>Fee</b>
Import permit	50,- €
Export permit	26,- €
Re-export certificate	30,- €
Personal ownership certificate	42,- €
Travelling exhibition certificate	60,- €
<b>Dead specimens, parts and derivatives</b>	
Import permit	20,- €
Export permit	15,- €
Re-export certificate	15,- €
Travelling exhibition certificate	60,- €
Sample collection certificate accompanied by ATA carnet	24,- €
<b>General</b>	
Licensing and registration of (re-)packaging caviar plants	600,- €
Negative certificate ('To Whom It May Concern')	16,- €
Blank forms for registered propagation units	8,- €

Attachment of an annex expanding the permit results in a surcharge of half the fee shown in the table of fees for the relevant permit or certificate.

In exceptional cases, an exemption from fees may be granted for the import, export or re-export of specimens for the purpose of scientific research and teaching, particularly where this contributes to conservation of the species in question, and in the case of applications pertaining to specimens which are imported or exported for the purpose of scientific breeding programmes aimed at species conservation. As a general principle, there is no special form for applications for exemption from fees. The applicant must submit evidence of compliance with the requirements for fee exemption, e.g. in the form of a certificate from a recognised scientific institution indicating that the specimens will be used for the aforementioned purposes. Furthermore, fee reductions will be granted if the fee payable exceeds the value of the goods by more than 30 percent. The minimum fee is € 5.-. No fee is charged for exports of artificially propagated plant specimens up to a commercial value of € 50.-.

The Ordinance of Fees was amended on 23<sup>th</sup> September 2011 (Federal Law Gazette I, p. 1946). It does not apply to EC certificates pursuant to Art 10 of Council Regulation (EC) No 338/97. Those certificates are issued by the *Länder* authorities. The fees payable in such cases are regulated by the relevant *Länder* legislation. They are essentially based on the value of the specimen for which the certificate is to be issued.

**Convention on International Trade in  
Endangered Species of Wild Fauna and Flora**

**Biennial Report  
of the  
Federal Republic of Germany**

**PART 2 – Supplementary Questions**

**Note:** Questions in **Part 2** are additional to those in **Part 1**, and relate to information on the provisions of the EC Regulations (Regulation (EC) No. 338/97 and Regulation (EC) No. 865/2006 that fall outside the scope of CITES.

## PART 2 ,Supplementary Questions'

The numbering of this section reflects that in Part 1, with the addition of (b) to distinguish the two. New questions that do not correspond to questions in Part 1 are marked "new". Unless otherwise stated, the legislation referred to below is Council Regulation (EC) No. 338/97.

### B. Legislative and regulatory measures

1b	If not already provided under questions B (2) and B (4), please provide details of any national legislation that has been updated in this reporting period and attach the full legislative text.						
2b	If your country has planned, drafted or enacted any additional Regulation -relevant legislation, other than that reported under question B (2) or above, please provide the following details:						
	Title and date:			Status:			
	Brief description of contents:						
5b	Has your country adopted any stricter domestic measures, other than those reported under question B(5), specifically for non CITES-listed species <sup>1</sup> ?						
	Tick all applicable categories below that these categories apply to.						
		The conditions for:			The complete prohibition of:		
	Issue	Yes	No	No information	Yes	No	No information
	Trade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Taking	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Possession	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Transport	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Other (specify)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Additional comments	see answers to question B.2 and B.5 of Part 1 as well as <b>Attachment 8</b>					
8b	Has there been any review of legislation on the following subjects in relation to implementation of <i>Council Regulation (EC) No. 338/97</i> ?						
		Yes		No		No information	
	Introduction of live regulation-listed species into the Community that would threaten the indigenous fauna and flora (in accordance with Article 3, paragraph 2 (d)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
	Marking specimens to facilitate identification (in accordance with Article 19, paragraph 1 (iii)).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	
	Please provide details if available:						
9b	Please provide the following details about Regulations-related violations:						
	i) Maximum penalties that may be imposed;						
	ii) Or any other additional measures taken in relation to implementation of the Regulation not reported on in question B (9): <b>see Attachment 8</b>						

<sup>1</sup> In this questionnaire, "non CITES-listed species" refers to species that are listed in the Regulation Annexes, but not in the CITES Appendices. They include some species in Annexes A and B and all those in Annex D.

### C. Compliance and enforcement measures

2b	Have any actions, in addition to those reported in C (2-9) above, been taken for Regulation-related violations?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No information <input type="checkbox"/>
9b	Please provide the following details about Regulations-related violations: i) Maximum sanctions which have been imposed over this reporting period; ii) The outcomes of any prosecutions; see <b>Attachment 5</b> .	
16b	Has there been any review or assessment of Regulation-related enforcement, in addition to that reported under C (16) above?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No information <input type="checkbox"/>
	Comments:	
18 new	Have specimens been marked to establish whether they were born and bred in captivity? (In accordance with <i>Commission Regulation (EC) No. 865/2006</i> , Article 66)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>
	Comments: see national marking provisions under <b>Attachment 8</b> .	
19 new	Have any monitoring activities been undertaken to ensure that the intended accommodation for a live specimen at the place of destination is adequately equipped to conserve and care for it properly? (In accordance with Article 4 paragraph 1 (c) of <i>Council Regulation (EC) No. 338/97</i> ).	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>
	Comments: The German Scientific Authority evaluated the conditions of Art. 4(1) c) whenever a respective import application had been submitted.	
20 new	Have national action plans for co-ordination of enforcement, with clearly defined objectives and timeframes been adopted, and are they harmonized and reviewed on a regular basis? (In accordance with <i>Commission Recommendation C (2007) 2551</i> , paragraph IIa.	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No information <input type="checkbox"/>

	<p>Comments:</p> <p>Germany had taken note of the EU Enforcement Action Plan, published in the official journal of the EU No. L 159/07 (Document 2007/425/EC) and started after the 14<sup>th</sup> CoP to CITES to nationally implement the recommendations contained in the action plan.</p> <p>However since September 2007 the CITES Management Authority of the Federal Agency for Nature Conservation (FANC) had started on a national level with several national enforcement initiatives in line with the action planning provisions embedded in CITES Resolution Conf. 11.3 (Rev. CoP 15).</p> <p>Some of the actions recommended in the above mentioned resolution have already been implemented in Germany such as the rapid exchange of important information by electronic means through an electronic CITES newsletter (6 issues in 2009 and 4 issues in 2010), public awareness campaigns, training of enforcement officers or strong new working relations among German officials in the different authorities and enforcement agencies. The working relations are backed up either by formalized but also not formalized agreements and strong government support.</p> <p>In addition to these activities Germany had nationally started a process to implement further actions recommended in the EU Enforcement Action Plan. All relevant enforcement and management authorities involved in the implementation of CITES in Germany have been invited to collaborate on the creation and implementation of a national action plan. To meet these objectives in 2007 an Interagency National Action Plan Working Group (IANAP-WG) was established at the Federal Agency for Nature Conservation. The IANAP-WG includes representatives from German customs services, the police, national and local CITES Management Authorities and other enforcement bodies. The main objectives and targets of this new working group are:</p> <ul style="list-style-type: none"><li>- to improve overall inter-agency cooperation;</li><li>- to collect and distribute relevant information;</li><li>- to identify enforcement priorities;</li><li>- to coordinate public relation activities; and</li><li>- to control and coordinate adequate training activities.</li></ul> <p>Germany is a federal state consisting of 16 so called 'Länder'. 'Länder' authorities have powers for issuing intra-Community certificates, to carry out investigations and for controlling trade within the Community. An important body to coordinate activities and to ensure the uniform application of regulations within Germany is the Standing Committee on 'Species and Biotope Conservation' of the "Bund/Länder" Association for Nature Conservation" (BLANA). In order to implement the EU Enforcement Action Plan a subcommittee 'Improvement of Enforcement' was established. Endorsed by that committee main focus areas in enforcement were <b>in 2011 and 2012</b> certain birds of prey and vulture species (see details, already reported under C 17 of part I).</p>		
21 new	<p>Do enforcement authorities have access to specialized equipment and relevant expertise, and other financial and personnel resources? (In accordance with <i>Commission Recommendation C (2007) 2551</i>, paragraph IIb.)</p> <p>If yes, please provide details.</p>	<p>Yes</p> <p>No</p> <p>No information</p>	<p><input checked="" type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
	<p>Comments:</p> <p>A list of experts for species identification is published in the Federal Gazette. A revised list of experts had been published in the Federal Gazette (No. 105: 2458-2469) on 21. July 2009 which was amended on 26. November 2010 (Federal Gazette Nr. 183 of 1.12.2010, page 4003);</p> <p>. In addition, lists of laboratories undertaking DNA analysis or other forensic analyses (i.e. isotope-analysis) are available at the CITES Management Authority of the FANC.</p>		

22 new	Do penalties take into account inter alia the market value of the specimens and the conservation value of the species involved in the offence, and the costs incurred? (In accordance with <i>Commission Recommendation C (2007) 2551</i> , paragraph IIc.)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>
Comments: In Germany there are both on the Federal and the 'Länder'-level directives which lay down that the market value of the specimens shall be considered when administrative offences are delivered. Furthermore according to Germany's criminal law different criteria have to be considered, inter alia the severity of the offence which may also allow taking into account the conservation value of the respective species involved. In practice, a conservation value will not be known usually. Especially with regard to non-native species in many instances it seems to be impossible to ascertain the real conservation value. Germany has enacted legislative provisions that require the offender (i.e. importer in case of unlawful importation of protected specimens) and/or the carrier to meet the costs of confiscation, custody and storage.		
23 new	Are training and/or awareness raising activities being carried out for a) enforcement agencies, b) prosecution services, and c) the judiciary? (In accordance with <i>Commission Recommendation C (2007) 2551</i> , paragraph II d.)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>
Comments: - Since a few years regular training of Germany's federal police have been proven to be quite useful. During the reporting period two such seminars were held at the Federal Criminal Police Agency in Wiesbaden from <b>5<sup>th</sup> – 9<sup>th</sup> September 2011</b> and <b>3<sup>rd</sup> – 7<sup>th</sup> September 2012</b> respectively. In addition a 3 days lasting symposium (18 <sup>th</sup> – 20 <sup>th</sup> May 2011) had been organized to bring together interested police officers and to inform them about recent developments and trends. - During the reporting period several seminars for local management and enforcement authorities ( <b>20<sup>th</sup> December 2011, 30<sup>th</sup> November – 1<sup>st</sup> December 2011, 28<sup>th</sup> – 29<sup>th</sup> February 2012, 13<sup>th</sup> March 2012, 15<sup>th</sup> October 2012 and 20<sup>th</sup> November 2012</b> ) were held by the CITES Management Authority of the Federal Agency for Nature Conservation at different training centres in Germany. The objectives of the seminars were mainly to understand the systematics of basic legal provisions of international species conservation legislation, i.e. Reg. (EC) No. 338/97, the EC Birds Directive, the EC Habitats Directive and of Germany's Federal Ordinance on the Conservation of Species. Furthermore the procedure on how to enforce and implement seizures and confiscations was discussed. Finally in some seminars follow up procedures after confiscations such as hearings, writing of penalty notices, objection and court proceedings were practiced on simulated case studies. - In April 2011 a working group was established to develop uniform training material for local management and enforcement authorities. This material shall be used for the training of beginners. - German customs authorities have conducted several training seminars on legal matters but also on identification issues. Such seminars are regularly held several times during the year (up to 10 seminars on legal matters and up to 8 identification seminars). As in the past both members of Germany's Scientific and Management Authority contributed as lecturers actively to the identification seminars during the reporting period. - Finally during the reporting period several forthcoming court hearings have been used by the FANC to discuss the current EU Wildlife Trade Regulations with public prosecutors.		
24 new	Are regular checks on traders and holders such as pet shops, breeders and nurseries being undertaken to ensure in-country enforcement? (In accordance with <i>Commission Recommendation C (2007) 2551</i> , paragraph II g.)	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>



	<p>Comments:</p> <p>The domestic implementing legislation provides the local authorities with the power to carry out regular checks and to visit any facilities used for commercial purposes. These checks are regularly carried out by local authorities, in special cases also supported by police or customs authorities.</p> <p>Furthermore, an overview about details on inspections by Germany's 'Länder' Authorities has been provided in <b>Attachment 1</b> referring to question C 1 of Part 1.</p>		
25 new	<p>Are risk and intelligence assessment being used systematically in order to ensure thorough checks at border-crossing points as well as in-country? (In accordance with <i>Commission Recommendation C (2007) 2551</i>, paragraph IIh.)</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No information <input type="checkbox"/></p>	
	<p>Comments:</p> <p>The German customs has established a special unit which specifically deals with risk assessments only and which provides the relevant customs offices with substantial information. This unit is closely linked to and co-operating with similar units in other EU-Member States.</p>		
26 new	<p>Are facilities available for the temporary care of seized or confiscated live specimens, and are mechanisms in place for their long-term re-homing, where necessary? (In accordance with <i>Commission Recommendation C (2007) 2551</i>, paragraph Iii.)</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No information <input type="checkbox"/></p>	
	<p>Comments:</p> <p>The wildlife conservation administrations in at least two Federal States in Germany (<i>Länder</i>) have established facilities for the temporary keeping of confiscated live specimens. Being in charge of the public administration these facilities remain state-subsidised. If required both facilities are also able to quarantine specimens.</p> <p>In addition, some German NGO's have established similar facilities which are also subsidised by those. As above these facilities are readily prepared to take temporarily care for protected wildlife specimens. In addition some of these NGO facilities are even able to quarantine specimens.</p> <p>Furthermore most 'bona fide' Zoological Gardens in Germany will offer their support if live specimens will be seized by government enforcement bodies.</p> <p>Finally the long-term repatriation of confiscated CITES-listed animals will be handled on a case-by-case basis.</p> <p>A number of other public facilities like zoological collections or botanical gardens are also able to keep such specimens. The administrative handling is also regulated. Generally a public contract will be signed between the keeping facility and the responsible government authority which on a case-by-case basis can comprise additional special provisions.</p>		
27 new	<p>Is cooperation taking place with relevant enforcement agencies in other Member States on investigations of offences under Regulation No. (EC) 338/97? (In accordance with <i>Commission Recommendation C (2007) 2551</i>, paragraph IIIe.)</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No information <input type="checkbox"/></p>	
	<p>Comments:</p> <p>Such cooperation takes place on a case-by-case basis. Additionally Germany participates regularly and actively in meetings of the EU Enforcement Working Group.</p>		
28 new	<p>Is assistance being provided to other Member States with the temporary care and long-term re-homing of seized or confiscated live specimens? (In accordance with <i>Commission Recommendation C (2007) 2551</i>, paragraph IIIj.)</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No information <input type="checkbox"/></p>	
	<p>Comments:</p> <p>Competent contact agencies were notified accordingly to other Member States.</p>		

29 new	Is liaison taking place with CITES MAs and law enforcement agencies in source, transit and consumer countries outside of the Community as well as the CITES Secretariat, ICPO, Interpol and the World Customs Organization to help detect, deter and prevent illegal trade in wildlife through the exchange of information and intelligence? (In accordance with <i>Commission Recommendation C (2007) 2551</i> , paragraph IIIk.)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	No information <input type="checkbox"/>
	Comments: Liaison is taking place on a case by case basis			
30 new	Is advice and support being provided to CITES MAs and law enforcement agencies in source, transit and consumer countries outside of the Community to facilitate legal and sustainable trade through correct application of procedures? (In accordance with <i>Commission Recommendation C (2007) 2551</i> , paragraph IIII.)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	No information <input type="checkbox"/>
	Comments: Such support is provided on a case-by-case basis but also by organizing and convening specific training seminars or visitor programs for foreign delegations of CITES Parties visiting Germany.			

#### D. Administrative measures

##### D1 Management Authority (MA)

8b	Have the MA(s) undertaken or supported any research activities in relation to non CITES-listed species or technical issues (e.g. species identification) not covered in D2 (8) and D2 (9)?	Yes <input type="checkbox"/>
		No <input checked="" type="checkbox"/>
		No information <input type="checkbox"/>
11 new	Has the Commission and the CITES Secretariat (if relevant) been informed of the outcomes of any investigations that the Commission has considered it necessary be made? (In accordance with Article 14 paragraph 2 of <i>Council Regulation (EC) No. 338/97</i> )?	Yes <input checked="" type="checkbox"/>
		No <input type="checkbox"/>
		No information <input type="checkbox"/>

##### D2 Scientific Authority (SA)

8b	Have any research activities been undertaken by the SA(s) in relation to non CITES listed species?	Yes <input type="checkbox"/>					
		No <input checked="" type="checkbox"/>					
		No information <input type="checkbox"/>					
9b	If Yes, please give the species name and provide details of the kind of research involved.						
	Species name	Populations	Distribution	Off take	Legal trade	Illegal trade	Other (specify)
	1						
	2						
	3						
	etc.						
	No information <input type="checkbox"/>						
11 new	How many Scientific Review Group (SRG) meetings have the SA attended?	Number	8				
	Indicate any difficulties that rendered attendance to the SRG difficult:						

### D3 Enforcement Authorities

6 new	Has a liaison officer/focal point for CITES been nominated within each relevant enforcement authority in your country?	Yes <input checked="" type="checkbox"/>
		No <input type="checkbox"/>
		Under consideration <input type="checkbox"/>
		No information <input type="checkbox"/>

### D4 Communication, information management and exchange

1b	Is Regulation-related information in your country computerized on?	Tick if applicable
	– Annex D listed species	<input checked="" type="checkbox"/>
	– Other matters not reported on in question D4 (1) (please specify)	<input type="checkbox"/>
3b	Do you have an electronic information system providing information on Regulation-listed species?	Yes <input checked="" type="checkbox"/>
		No <input type="checkbox"/>
		No information <input type="checkbox"/>

### D5 Permitting and registration procedures

9b	Has the Management Authority charged fees for any Regulation-related matters not covered in question D5 (9)? If yes, please provide details of these Regulation-related matters and the amount of any such fees.	Yes <input type="checkbox"/>
		No <input checked="" type="checkbox"/>
		No information <input type="checkbox"/>
13 new	Can you indicate the percentage of permits/certificates issued that are returned to the MA after endorsement by customs?	Percentage: 100% <input type="checkbox"/>
		No information <input type="checkbox"/>
14 new	Has a list of places of introduction and export in your country been compiled in accordance with Article 12 of <i>Council Regulation (EC) No. 338/97</i> ? If yes, please attach. - The list with EU Member States places of introduction and export has been published on following website: <a href="http://ec.europa.eu/environment/cites/info_entry_points.htm">http://ec.europa.eu/environment/cites/info_entry_points.htm</a>	Yes <input checked="" type="checkbox"/>
		No <input type="checkbox"/>
		No information <input type="checkbox"/>
15 new	Have persons and bodies been registered in accordance with Articles 18 and 19 of Commission Regulation (EC) No. 865/2006? If yes, please provide details. With regard to certain trade in biological samples simplified procedures (Art. 18 ComR 865/2006) have not been used in Germany. However under Art. 19 ComR 865/2006 pre-issued documents have been used as simplified procedures for (re-)exports of snake venom from <i>Daboia russellii</i> (Annex C of CR 337/97, App. III CITES) originated from captive bred specimens mainly from US and Sweden as well as for re-exports of hair brushes made of <i>Mustela sibirica</i> (Annex D of CR 337/97, App. III CITES). There have been no new registrations under Art. 19 ComR 865/2006 during the reporting period.	Yes <input checked="" type="checkbox"/>
		No <input type="checkbox"/>
		No information <input type="checkbox"/>

16 new	<p>Have scientific institutions been registered in accordance with Article 60 of Commission Regulation (EC) No. 865/2006?</p> <p>If yes, please provide details:</p> <p>The application of Art. 60 rest with the 'Länder' authorities. Germany does not use that regulation for allowing certain 'scientific institutions' commercial activities like the exchange or transfer of Annex A specimens. However, it may be used for the (commercial) display of Annex A specimens in zoos. Irrespective of that regulation certain 'scientific institutions' have been registered using labels for the movement between registered institutions in line with Art. 7 (4) CR (EC) No. 338/97, Art. 52 Commission Regulation (EC) No. 865/2006, see following: <a href="http://www.cites.org/common/reg/e_si.html">http://www.cites.org/common/reg/e_si.html</a></p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> <p>No information <input type="checkbox"/></p>
17 new	<p>Have breeders been approved in accordance with Article 63 of Commission Regulation (EC) No. 865/2006?</p> <p>If yes, please provide details.</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> <p>No information <input type="checkbox"/></p>
18 new	<p>Have caviar (re-)packaging plants been licensed in accordance with Article 66 (7) of Commission Regulation (EC) No. 865/2006?</p> <p>If yes, please provide details:</p> <p>During the reporting period the list of German caviar processing and (re-) packaging plants had been revised.</p> <p>See following: <a href="http://www.cites.org/common/resources/reg_caviar.pdf">http://www.cites.org/common/resources/reg_caviar.pdf</a> . Of those operation currently licensed as (re-)packaging plants No. DE-R16 to DE-R18 were licensed in 2011 and one, i.e. DE-R19 in 2012.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No information <input type="checkbox"/></p>
19 new	<p>Are phytosanitary certificates used in accordance with Article 17 of Commission Regulation (EC) No. 865/2006?</p> <p>If yes, please provide details.</p> <p>Germany's CITES Management Authority has notified to the CITES Secretariat the responsible authorities which are entitled in Germany to issue for artificially propagated plants listed in CITES Appendix II phytosanitary certificates as export permits. The list of these authorities can be accessed under following website: <a href="http://www.cites.org/cms/index.php/lang-en/component/cp/?country=DE">http://www.cites.org/cms/index.php/lang-en/component/cp/?country=DE</a></p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No information <input type="checkbox"/></p>
20new w	<p>Have cases occurred where export permits and re-export certificates were issued retrospectively in accordance with Article 15 of Commission Regulation (EC) No. 865/2006?</p> <p>If yes, please provide details:</p> <p>Germany's CITES Management Authority has retrospectively issued 24 permits. The involved CITES Management Authorities have been consulted prior to the retrospective issuance in each cases.</p>	<p>Yes <input checked="" type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>No information <input type="checkbox"/></p>

#### **D8 Areas for future work**

2b	<p>Has your country encountered any difficulties in implementing specific suspensions or negative opinions adopted by the European Commission? (In accordance with Article 4 (6)).</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> <p>No information <input type="checkbox"/></p>
4b	<p>Have any constraints to implementation of the Regulation, not reported under question D8 (4), arisen in your country requiring attention or assistance?</p>	<p>Yes <input type="checkbox"/></p> <p>No <input checked="" type="checkbox"/></p> <p>No information <input type="checkbox"/></p>

# **ATTACHMENT 8**

**Referring to**  
***PART 2 Supplementary Questions***  
***B 5b & B 9b***

**- Question B 5b: Has your country adopted any stricter domestic measures, other than those reported under question B (5), specifically for non CITES-listed species?**

**1. Prohibition of possession and of national marketing**

According to Art. 44 para. 2 no. 1 of the Federal Nature Conservation Act it is prohibited to gain possession of, acquire, have possession of or control over, or to handle or process animals or plants of specially protected species (**prohibition of possession**).

The specially protected species are defined in Art.7 para. 2 no. 13 of the Federal Nature Conservation Act:

- Species listed in **Annex A and Annex B to Regulation (EC) No. 338/97** (species in Annex C and Annex D are not specially protected);
- Species listed in **Annex IV to the Habitat Directive (93/43/EEC)** and all European bird species (**Bird Directive, 79/409/EEC**). The individual bird species are listed on the following website:  
[http://ec.europa.eu/environment/nature/conservation/wildbirds/eu\\_species/index\\_en.htm](http://ec.europa.eu/environment/nature/conservation/wildbirds/eu_species/index_en.htm).
- Endangered indigenous species, as well as species which may be confused with the protected species, and also species listed in the **Berne Convention (Annex 1 of the Federal Ordinance on Species Conservation)**.

In addition to the ban on possession, there is a national **ban on marketing** of species not specially protected under EC Regulation No. 338/97 in Art. 44 para. 2 no. 2 of the Federal Nature Conservation Act. These regulations transpose the prohibitions existing under Art. 6 par. 1 of the Birds Directive – having regard to the exception for the species listed in Annex III to the Directive – and the prohibitions under Art.12 para. 2 and Art.13 para. 2 of the Habitat Directive. For game species of birds listed in Annex 1 of the Federal Game Conservation Ordinance, reference should be made to Art. 2 of the latter.

Exemptions from the prohibition of possession and national marketing prohibitions apply under Art. 45 of the Federal Nature Conservation Act to animals and plants of specially protected species where these were either legally

- bred within the Community and have not become ownerless;
- obtained from artificial reproduction;
- legally taken from nature.

In addition to these legal exemptions *Länder* authorities (or in certain cases the Federal Agency for Nature Conservation) may grant exemptions when certain conditions are met (Art. 45 paragraphs 7 and 8 of the Federal Nature Conservation Act), whereby Art. 16 Birds Directive and Art. 9 Habitat Directive have to be taken into account. In line with these conditions *Länder* are empowered to lay down specific exemptions by statutory order.

The prohibitions also apply to skins of certain seal pups according to **Council Directive 83/129/EEC**. Council Directive 83/129/EEC prohibits the import into the Community of certain products (so-called “whitecoats” or “bluebacks”) derived from pups of Harp Seals (*Phoca groenlandica*) and Hooded Seals (*Cystophora cristata*) for commercial purposes since 1<sup>st</sup> October 1983. The prohibition on possession and national marketing prohibition also covers skins of such pups and products thereof (Art. 44 para. 3 no. 1 of the Federal Nature Conservation Act). Exemptions apply only to specimens obtained during the course of traditional hunting by Inuits.

**2. Reporting and book-keeping obligations**

As a general rule, those who acquire handle process or circulate animals or plants of specially protected species for commercial purposes, i.e. with the aim of financial gain, are required to keep records of their actions (Art. 6 of the Federal Ordinance on Species Conservation). In individual cases, exemptions may be granted by the competent authority provided adequate monitoring is ensured by other means.

Anyone who keeps vertebrates of specially protected species is required to notify those to the competent ‘*Länder*’ Authority. This does not include species listed in Annex 5 to the Federal Ordinance on Species Conservation, which are usually only found in trade as specimens bred in

captivity. With regard to the birds of prey listed in Annex 4 to the Federal Game Protection Ordinance, reference is made to the latter.

### 3. Keeping animals

#### - Birds of prey

There is a general ban on keeping indigenous birds of prey of species which are listed in Annex 4 to the Federal Game Conservation Ordinance (Art. 3 BWildSchV). A privileged position is accorded to traditional falconry with goshawk, golden eagle and peregrine falcon. Holders of a falconry licence may keep up to two specimens of these species. Anyone wishing to keep more than two specimens of these species or any specimens of other species (e.g. fish eagle, sea eagle, black kite, red kite, marsh harrier, hen harrier, sparrow-hawk, common buzzard, rough-legged buzzard, kestrel, red-footed falcon, hobby and merlin) requires a special permit issued by the competent 'Länder' Authority.

#### - Hybrids of birds of prey

With the revision of the Federal Ordinance on Species Conservation in early 2005 special rules for hybrids of birds of prey have been put in place. The regulation contains prohibitions on the keeping, breeding and free flying of such birds. However, to each prohibition certain derogations may apply. The breeding ban does not cover captive breeding operations for birds of prey which have been in existence at the time of entry into force of the regulation on 25<sup>th</sup> February 2005. For those, the ban will only come into effect ten years later, i.e. on 31<sup>st</sup> December 2014. The reason for the ban is the risk of adulterating, endangering local populations or the risk of the establishment of populations of non-indigenous birds of prey in the wild.

#### - Game Park

Anyone who keeps wild species in animal parks may in certain circumstances require an appropriate permit under 'Länder' legislation. The species and game parks concerned are laid down in the individual provisions of 'Länder' law.

#### - Dangerous incl. venomous animals

It should be noted that in some of the 16 'Länder' (e.g. Bavaria, Berlin, Bremen, Hessen, Mecklenburg Western Pomerania, Lower Saxony, Saarland, Schleswig-Holstein) out of safety reasons it is only allowed to keep certain dangerous (especially venomous) animal species (apes, large wild cats, bears, wolves, crocodiles or poisonous snakes, scorpions and spiders) after having given permission to do so. Consequently, persons should in principle ask their competent police, veterinary or nature conservation agency whether and in what way it is allowed to keep an animal.

#### - Other animals listed in Annex A and B of Regulation (EC) No. 338/97

In Germany the general requirements for the keeping of animals are laid down in the Federal Animal Welfare Act <TierSchG> (Art. 2 of the Act, Federal Law Gazette I, p. 1105). According to Article 17 of this act, a prison sentence of up to three years or a fine may be imposed on anyone who kills a vertebrate without reasonable cause or inflicts sustained or repeated substantial pain or suffering on a vertebrate. Moreover, vertebrates of specially protected species (e.g. Annex A or B to Regulation (EC) No. 338/97) may only be kept if the keeper possesses the necessary reliability and adequate knowledge about the keeping and care of the animals and has the necessary facilities to ensure that the animals cannot escape and that they will be kept in accordance with the requirements of animal welfare legislation (Art. 7 para. 1 of the Federal Ordinance on the Conservation of Species). The provisions of legislation on animal epidemics must also be taken into consideration. Under the Ordinance on the Control of Animal Epidemics in the Single Market, which transposes Directive 92/65/EEC into national law, the keeping of primates is only permitted in certain specially approved establishments. The keeping of apes by private individuals is regarded as extremely problematic and is therefore basically not permitted.

Specific and detailed requirements for the keeping of animals are contained in various "Animal Husbandry Minimum Requirements". These minimum requirements had been developed by groups of independent experts, mostly under the leadership of the Federal Ministry for Food, Agriculture and Consumer Protection (BMELV) which is the ministry responsible for animal welfare issues. The "Animal Husbandry Minimum Requirements" have been published by the BMELV and are available on following website:

[http://www.bmelv.de/clin\\_173/DE/Landwirtschaft/Tier/Tierschutz/Tierschutzgutachten/tierschutzgutachten\\_node.html](http://www.bmelv.de/clin_173/DE/Landwirtschaft/Tier/Tierschutz/Tierschutzgutachten/tierschutzgutachten_node.html)

In addition, the Federal Agency for Nature Conservation with the assistance of independent experts had developed a few expertises on species-appropriate accommodation for certain groups of animals.

These expertises acquire legally binding force if they are specified as conditions for species-appropriate accommodation when issuing CITES import permits. These keeping requirements are also taken as a basis when, under *Länder* legislation, animal welfare permits or other permits (e.g. permits pursuant to Art. 11 of the Animal Welfare Act) are issued or examinations conducted in the course of which caretaking and housing conditions may be laid down.

The list of “Animal Husbandry Minimum Requirements” given below is not comprehensive; in particular the individual ‘*Länder*’ may have adopted other though usually comparable requirements. In practice it is also very important that **evidence of specialist knowledge** is requested as part of a voluntary self-monitoring which some private associations and their members have adopted, to ensure any keeper’s ability to look after certain species, in particular those which are difficult to keep. In recent years various associations have taken a highly committed approach to promoting such evidence of specialist knowledge. Courses leading to an examination are offered which are not only about asking questions on minimum requirements for keeping the animals, but also questions about the legal framework. This is an exemplary demonstration of how to assume responsibility by the private sector and its associations for animals and the demanding hobby of taking care of those.

#### **List of animal husbandry expertises applied by German Federal Authorities**

1. BMELV Guidelines for keeping, training and using animals in circuses or similar establishments (**Circus Animals**), 15<sup>th</sup> October 1990.
2. Directive 2010/63/EU of the European Parliament and of the Council of 22 September 2010 on the protection of animals used for scientific purposes.  
<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2010:276:0033:0079:EN:PDF>
3. Minimum requirements for keeping **Elephants**, recommended by the Species Conservation Advisory Committee at the Federal Agency for Nature Conservation in connection with the implementation of Regulation (EC) No. 338/97, 24<sup>th</sup> October 2000.
4. BMELV minimum requirements on “Species-appropriate keeping of birds” on minimum requirements for the keeping of **Birds of Prey and Owls**, 10<sup>th</sup> January 1995.
5. BMELV minimum requirements on “Species-appropriate keeping of birds” on minimum requirements for the keeping of **Parrots**, 10<sup>th</sup> January 1995.
6. BMELV minimum requirements for accommodation of **Mammals** in accordance with animal protection principles (zoo directors’ expertise), 10<sup>th</sup> June 1996.
7. BMELV minimum requirements for the keeping of **Small Birds** (Part 1, **Seed Eaters**), 10<sup>th</sup> July 1996.
8. Minimum requirements of the Federal Agency for Nature Conservation for the keeping of **Melodius Laughing-Thrus (*Garrulax canorus*)**, **Silver-eared Mesia (*Leiothrix argentea*)**, **Red-Billed Leiothrix (*Leiothrix lutea*)** and **Hill Mynah (*Gracula religiosa*)**, 31<sup>st</sup> August 2000.
9. Minimum husbandry requirements of the Federal Agency for Nature Conservation for keeping **Hornbills** (Bucerotidae), March 5 2007.
10. Minimum husbandry requirements of the Federal Agency for Nature Conservation for keeping **Turacos** (Musophagidae), August 2009.
11. BMELV minimum requirements on “Species-appropriate keeping of terrarium animals” on minimum requirements for the keeping of **Reptiles**, 10<sup>th</sup> January 1997.



12. Minimum husbandry requirements for keeping **Newts** and **Salamanders**; recommended by DGHT (ed.).

13. Minimum husbandry requirements for keeping **Toads** and **Frogs**, January 10 2001; recommended by DGHT (ed.).

14. Minimum husbandry requirements of the Federal Agency for Nature Conservation for keeping **Seahorses** of the genus *Hippocampus*, 2012.

15. Minimum requirements of the Federal Agency for Nature Conservation for the accommodation of **Pandinus** species (giant scorpions) by wholesalers and private owners, 24<sup>th</sup> June 1997.

16. Minimum requirements of the Federal Agency for Nature Conservation for the keeping of **Corals and Giant Clams** (CITES species), with special regard to the wholesale and retail trade, July 1997.

17. Minimum requirements of the Federal Agency for Nature Conservation for the accommodation of **Brachypelma** species (American genus of tarantulas) by wholesalers and private owners, 3<sup>rd</sup> July 1997.

#### 4. Regulations on the transport of live animals

Regarding the transport of live animals in the EU, reference should be made to Council Regulation (EC) No 1/2005 of 22 December 2004 (entry into force 5<sup>th</sup> January 2007) on the protection of animals during transport and related operations. That regulation is implemented and also amended by the national ordinance on the protection of animals in transit (Animal Protection Transport Ordinance <TierSchTrV>, see Federal Law Gazette 2009, page 375). Among others the Council Regulation requires that animals being transported by air to be carried in accordance with the rules of the International Air Transport Association (IATA).

#### 5. Introduction of live Regulation-listed species into the Community that would threaten the indigenous fauna and flora (in accordance with Article 3, paragraph 2 (d))

Due to the risk of adulterating the indigenous fauna and flora or possibly endangering certain populations or spreading indigenous species of wild fauna and flora or populations of such species, several invasive species have been specifically listed (Art. 54 para.4 of the Federal Nature Conservation Act in conjunction with Art. 3 of the Federal Ordinance on Conservation of Species). Live animals of such species are subject to a prohibition of possession and marketing in accordance with Art.44 para.3 no.2 of the Federal Nature Conservation Act. It concerns the following species mentioned in Art. 3 of the Federal Ordinance on Species Conservation:

<i>Castor canadensis</i>	-	American beaver
<i>Sciurus carolinensis</i>	-	Eastern grey squirrel
<i>Macrolemys temminckii</i>	-	Alligator snapping turtle
<i>Chelydra serpentina</i>	-	Common snapping turtle

Exempt from the prohibition are animals which were legally kept before 22<sup>nd</sup> October 1999. In addition, the breeding of those species is prohibited except for public institutions under competent zoological management.

#### 6. National marking provisions for specimens to facilitate identification (in accordance with Article 19, paragraph 1 (iii))

Above and beyond the marking obligations pursuant to Council Regulation (EC) No.338/97, which has been implemented since 1<sup>st</sup> June 1997 in conjunction with the issue of certificates for commercial use, national legislation requires that animals of the species listed in Annex 6 of the Federal Ordinance on Species Conservation (mammals, birds, reptiles) must be marked right from the start of such keeping and additionally encompasses certain Annex B species. The national marking obligations entered into force on 1<sup>st</sup> January 2001.

National marking provisions for species listed in Annex A to Regulation (EC) No.338/97 are based on the requirements of Articles 66 and 67 of Commission Regulation (EC) No 865/2006. With due regard in particular for requirements under animal protection legislation, these specify the details of the marking methods for those mammal, bird and reptile species listed in Annex 6 of the Federal Ordinance on Species Conservation. For example, there is a ban on marking of falconry birds with a transponder; this also applies to animals that have not yet attained a

certain weight (500g for tortoises or 200g for other reptiles). Account is taken of methods of a more animal welfare-oriented nature, such as in particular identification of individuals by photo documentation for reptiles. Expert opinions have shown that documentation of certain body features in accordance with adequate technical requirements, especially in conjunction with an animal passport, is suitable for practical use. However problems can arise with young animals, whose characteristics may yet undergo substantial changes. Taking that into account documentations must be repeated to ensure continuous tracking of the changes in body characteristics. Since 25<sup>th</sup> February 2005 the revised Federal Ordinance on Species Conservation provides for a general choice between transponder and photo documentation. Mammals shall be marked with the transponder. Birds taken from the wild shall be marked either with open rings or a transponder.

**- Question B 9b: Please provide details of maximum penalties that may be imposed for Regulation-related violations, or any other additional measures taken in relation to implementation of the Regulation not reported on in question B (9)**

**1. Administrative offences and administrative fines**

Regulation	Offence	Sanction
Art. 69 para.4 of the Federal Nature Conservation Act	Infringement of Regulation (EC) No.338/97	Fine of up to 50,000.- €  (Art. 69 para.6 of the Federal Nature Conservation Act)
Art. 69 para.4 no.1 of the Federal Nature Conservation Act	Infringement of documentation duty on import, export or re-export (Art. 4 para.1 sentence 1 or Art. 4 para.1 sentence 2, Art. 5 para.1 or Art. 5 para.4 sentence 1 of the Regulation)	
Art. 69 para.4 no.3 of the Federal Nature Conservation Act	Infringement of ban on marketing Art. 8 para.1 or Art. 8 para.5 of the Regulation)	
Art. 69 para.4 no.2 of the Federal Nature Conservation Act	Infringement of import notification obligation (Art. 4 para.3 or Art. 4 para.4 of the Regulation)	Fine of up to 10,000.- €  (Art. 69 para.6 of the Federal Nature Conservation Act)
Art. 69 para.4 no.4 of the Federal Nature Conservation Act	Infringement of an enforceable condition (Art. 11 para.3 of the Regulation)	

**2. Criminal acts**

Regulation	Offence	Sanction
Art. 71 para.1 and Art. 69 para.4 nos.1 and 3 of the Federal Nature Conservation Act	Deliberate, illegal import, export or re-export (Art. 8 para.1 concerning Annex A specimens)	Imprisonment of up to five years or fine
Art. 71a para. 2 and 4 of the Federal Nature Conservation Act	Deliberate infringement of ban on marketing (Art. 8 para.5 of the Regulation - Annex B -). No criminal act for cases where the conduct concerns a negligible quantity or has a negligible impact.	Imprisonment of up to three years or fine
Art. 71 para. 2 and Art. 69 para.4 nos.1 and 3 of the Federal Nature Conservation Act	Deliberate, illegal marketing of species in Annex A to the Regulation	Imprisonment of up to five years or fine
Art. 71 para. 4, concerning Art. 71 para 1 and 2 of the Federal Nature Conservation Act	Illegal import, export or re-export or illegal marketing of species listed in Annex A to the Regulation, committed not deliberately, but committed with at least serious negligence	Imprisonment of up to one year or fine

Art. 71 para.3 and Art. 71 para.1 and 2 of the Federal Nature Conservation Act	Deliberate, illegal commercial or habitual import, export or re-export or illegal marketing of species listed in Annex A to the Regulation	Imprisonment of at least three months but not exceeding five years
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### 3. Seizure and confiscation

Regulation	Prerequisites	Measure	Competence
Art. 51 of the Federal Nature Conservation Act	Lack of necessary documentation on import, export or re-export, regardless of whether the party is at fault	Seizure and confiscation	Customs
Art. 46, 47 of the Federal Nature Conservation Act	Lack of proof of legal possession/ legal marketing	Seizure and confiscation	<i>Länder</i> Authority
Art. 72 of the Federal Nature Conservation Act	Offence	Confiscation as incidental consequence of an offence	Management Authority

Seizure and confiscation is a two-stage process. Seizure is a provisional action with the opportunity to submit the required documents within one month or furnish the necessary proof, whereby an extension of up to six months may be granted. As a general rule, seizure means that the specimens are taken away. In exceptional cases, specimens will be left in the custody of its holder provided that he'll not dispose of them. Confiscation is a final action whereby ownership of the specimens will pass over to the state.