

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 4817 GIBRALTAR Thursday 4th February 2021

---

---

LEGAL NOTICE NO. 110 OF 2021.

## EUROPEAN UNION (WITHDRAWAL) ACT 2019

### TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (AMENDMENT)(EU EXIT) REGULATIONS 2021

In exercise of the powers conferred upon him by section 11 of and paragraph 1 of Schedule 3 of the European Union (Withdrawal) Act 2019 the Minister has made the following Regulations-

#### PART 1

##### **Title.**

1. These Regulations may be cited as the Trade in Endangered Species of Wild Fauna and Flora (Amendment)(EU Exit) Regulations 2021.

##### **Commencement.**

2. These Regulations come into operation on 1 January 2021.

#### PART 2

##### **Amendment of the Control of Trade in Endangered Species Act 1998.**

3.(1) The Control of Trade in Endangered Species Act 1998 is amended as follows.

(2) In the long title for “Commission Regulation (EC) No 939/97” substitute “Commission Regulation (EC) No 865/2006”;

(3) In section 2-

(a) in subsection (1)-

- (i) in the definition of “imported unlawfully” for “the Community” substitute “Gibraltar”;
- (ii) for the definition of “Subsidiary Regulation” substitute-

““Subsidiary Regulation” means Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation

of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein”;

- (b) in subsection (2)-
  - (i) in paragraph (d), delete “Article 18 of the”;
  - (ii) delete paragraph (f).

### **PART 3**

#### **Amendment of Council Regulation (EC) No 338/97.**

4.(1) Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein is amended as follows.

(2) In Article 2-

- (a) omit point (a);
- (b) in point (d)-
  - (i) for “the Community” substitute “Gibraltar”;
  - (ii) for the words from “by the Commission” to the end substitute “in regulations made by the Minister with responsibility for the Environment”.
- (c) in point (e), for “the Community” substitute “Gibraltar”;
- (d) for point (g) substitute-
  - “(g) management authority’ shall mean the Collector of Customs designated in accordance with Article 13(1)(a);”
- (e) omit point (h);
- (f) in point (k), for “the Community” substitute “Gibraltar”;
- (g) in point (n), for “the Community” in both places it occurs, substitute “Gibraltar”;
- (h) after point (n) insert-
  - “(na) ‘Regulation 338/97 (pre-exit) shall mean Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, as it had effect immediately before 1 January 2021;”;

- (i) in point (o), for “the Community” in both places substitute “Gibraltar”;
  - (j) in point (q)-
    - (aa) omit, “in the case of a Member State”;
    - (bb) for “Article 13(1)(b)” substitute “Article 13(2)”;
  - (k) omit point (r);
  - (l) after point (t) insert-
    - “(ta) ‘third country’ shall mean any country or territory other than Gibraltar;”;
    - (tb) ‘third country authority’ shall mean the authority of a third country party to the Convention designated in accordance with Article IX of the Convention”;
  - (m) in point (u)-
    - (i) for “the Community” in both places substitute “Gibraltar”;
    - (ii) omit “including within a Member State”;
  - (n) in point (v) for “the Community” in both places it occurs substitute “Gibraltar”;
  - (o) in point (w)-
    - (i) for “more than 50 years before the entry into force of this Regulation” substitute “before 3<sup>rd</sup> March 1947”;
    - (ii) omit “of the Member State concerned”;
  - (p) in point (x), for “Community provisions so provide” substitute “Gibraltar legislation so provides”.
- (3) In Article 3-
- (a) in paragraph 1-
    - (i) in point (a), for “the Member States have” substitute “Gibraltar has”;
    - (ii) in point (b)(i), for “the Community” substitute “Gibraltar”;
  - (b) in paragraph 2-
    - (i) in point (a), for “the Member States have” substitute “Gibraltar has”;

- (ii) in point (d), for “the Community” in both places substitute “Gibraltar”;
- (c) in paragraph 3(a), for “the Member States have” substitute “Gibraltar has”;
- (d) in paragraph 4(a), for “the Community” substitute “Gibraltar”;
- (e) omit paragraph 5.

(4) In Article 4-

- (a) in the heading, for “the Community” substitute “Gibraltar”;
- (b) in paragraph 1-
  - (i) in the first subparagraph (beginning “The introduction into”)-
    - (aa) for “the Community” substitute “Gibraltar”;
    - (bb) for “a management authority of the Member State of destination” substitute “the management authority”;
  - (ii) in point (a)-
    - (aa) omit “after considering any opinion by the Scientific Review Group”;
    - (bb) for “the Community” substitute “Gibraltar”.
- (c) in paragraph 2-
  - (i) in the first subparagraph (beginning “The introduction into”)-
    - (aa) for “the Community” substitute “Gibraltar”;
    - (bb) for “a management authority of the Member State of destination” substitute “the management authority”;
  - (ii) in point (a)-
    - (aa) omit “and considering any opinion by the Scientific Review Group”;
    - (bb) for “the Community” substitute “Gibraltar”;
- (d) in paragraph 3, in the first sentence, (beginning “The introduction into”), for “the Community” substitute “Gibraltar”;
- (e) in paragraph 4, for “the Community” substitute “Gibraltar”;

- (f) in paragraph 5(a), for “the Community” in both places it occurs substitute “Gibraltar”;
  - (g) in paragraph 6-
    - (i) in the first subparagraph, in the words before point (a)-
      - (aa) omit the words from “in accordance” to “Article 18(2)”;
      - (bb) for “Scientific Review Group, the Commission may” substitute “scientific authority, the Minister with responsibility for the Environment may, by regulations,”;
      - (cc) for “the Community” substitute Gibraltar;
    - (ii) in the first subparagraph, in point (d), for “the Community”, in both places it occurs, substitute “Gibraltar”;
    - (iii) in the second subparagraph-
      - (aa) for “Commission shall” substitute “Minister with responsibility for the Environment must”;
      - (bb) omit “, in the Official Journal of the European Communities”;
  - (h) in paragraph 7-
    - (i) in the first subparagraph-
      - (aa) for “the Community” substitute “Gibraltar”;
      - (bb) for “shall be granted by the Commission” substitute “may, by regulations, be prescribed by the Minister with responsibility for the Environment”;
    - (ii) omit the second subparagraph.
- (5) In Article 5-
- (a) in the heading, for “the Community” substitute “Gibraltar”;
  - (b) in paragraph 1-
    - (i) for “the Community” substitute “Gibraltar”;
    - (ii) for “a management authority of the Member State in which specimens are located” substitute “the management authority”;

- (c) in paragraph 2-
  - (i) in point (b), omit the words from “where the application is made” to the end;
  - (ii) in point (c)(ii), for “not listed in Annex I” substitute “listed in Appendix I”; and
  - (iii) in point (d), omit “of the Member State”;
- (d) in paragraph 3-
  - (i) in point (a), for “the Community” substitute “Gibraltar”;
  - (ii) after point (a), insert –
    - “(aa) were introduced into Gibraltar before 1 January 2021 and in accordance with the requirements of Regulation 338/97 (pre-exit);”;
  - (iii) in point (b)-
    - (aa) for “the Community” substitute “Gibraltar”;
    - (bb) for “this Regulation” substitute “Regulation 338/97 (pre-exit);”;
  - (iv) in point (c) for “the Community” substitute “Gibraltar”;
  - (v) in point (d)-
    - (aa) for “a Member State” substitute “Gibraltar”;
    - (bb) for “(a)” substitute “(aa)”;
    - (cc) omit “,or became applicable in that Member State”;
- (e) in paragraph 4, in the first subparagraph (beginning “The export or re-export”)-
  - (i) for “the Community” substitute “Gibraltar”;
  - (ii) for “a management authority of the Member State in whose territory the specimens are located” substitute “the management authority”;
- (f) omit paragraph 5;
- (g) in paragraph 6(ii), for “this Regulation” substitute “Regulation 338/97 (pre-exit)”;

(h) in paragraph 7(a)-

- (i) omit “in each Member State”;
- (ii) for “that Member State” substitute “the management authority”;
- (iii) omit “competent” in the second place it occurs.

(i) for paragraph 7(b) substitute-

- “(b) Whenever the management authority is advised of the measures referred to in (a), it shall inform and send comments to the Minister with responsibility for the Environment who may make regulations restricting exports of the species concerned.”

(6) In Article 6-

- (a) omit paragraphs 1,2 and 4;
- (b) in paragraph 3, for “competent authority to which the application is submitted” substitute “management authority”.

(7) In Article 7-

- (a) in paragraph 1(b), for “laid down by the Commission” substitute “set out in writing, and published, by the Minister with responsibility for the Environment”;
- (b) in paragraphs 1(c) and 2(c)-
  - (i) in the first sentence, for “by the Commission” substitute “in writing, and published, by the Minister with responsibility for the Environment”;
  - (ii) omit the second sentence;
- (c) in paragraph 2(a), for “the Community” substitute Gibraltar;
- (d) in paragraph 3-
  - (i) in the first sentence-
    - (aa) for “the Community” substitute “Gibraltar”;
    - (bb) for “by the Commission” substitute “in writing, and published, by the Minister with responsibility for the Environment”;
  - (ii) omit the second sentence.

(8) In Article 8 –

- (a) omit paragraph 2;
- (b) in paragraph 3-
  - (i) in the first sentence (beginning “In accordance with”)-
    - (aa) for “Community” substitute “Gibraltar”;
    - (bb) for “a management authority of the Member State in which the specimens are located” substitute “the management authority”;
  - (ii) for point (a) substitute-
    - “(a) were
      - (i) acquired in, or were introduced into, a member State before the provisions relating to species listed in Appendix I to the Convention or in Annex Ci to Regulation (EEC) No 3626/82 or in Annex A to Regulation 338/97 (pre-exit) became applicable to the specimens; and
      - (ii) introduced into Gibraltar before 1 January 2021; or”;
  - (iii) after point (a) insert-
    - “(aa) were acquired in, or were introduced into, Gibraltar before the provisions relating to species listed in Appendix 1 to the Convention or in Annex C1 to Regulation (EEC) No 3626/82 or in Annex A to Regulation 338/97 (pre-exit) became applicable to the specimens; or”;
  - (iv) in point (c), for “the Community” substitute “Gibraltar”;
  - (v) in point (h), for “a Member State”, and for “that Member State”, substitute “Gibraltar”;
- (c) in paragraph 4-
  - (i) in the first sentence, for “Commission” substitute “Minister with responsibility for the Environment in regulations”;
  - (ii) in the second sentence, for “Community” substitute “Gibraltar”;
  - (iii) omit the third sentence.
- (d) in paragraph 5-



- (i) for “competent” substitute “management”;
  - (ii) omit “of the Member State concerned”;
  - (iii) for “the Community” substitute “Gibraltar”;
- (e) in paragraph 6-
- (i) for “competent authorities of the Member States” substitute “management authority”.
  - (ii) for “provided that it” substitute “provided the specimen”.
- (9) In Article 9-
- (a) in paragraph 1-
- (i) for “the Community” substitute “Gibraltar”;
  - (ii) after “in compliance with this Regulation” insert “, or Regulation 338/97 (pre exit),”;
  - (iii) for “a management authority of the Member State in which the specimen is located” substitute “the management authority”;
- (b) in paragraph 2-
- (i) in point (a), omit the words from “of such Member State” to “of the latter,”;
  - (ii) in point (b), omit “and”;
  - (iii) omit point (c);
- (c) in paragraph 4, for “the Community” substitute “Gibraltar”;
- (d) in paragraph 5-
- (i) for “the Community”, in the first place it occurs, substitute “Gibraltar”;
  - (ii) for “Community”, in the second place it occurs, substitute “any applicable Gibraltar”.
- (e) In paragraph 6-
- (i) in the first sentence-

- (aa) for “Commission may” substitute “Minister with responsibility for the Environment may, by regulations,”;
- (bb) for “the Community” substitute “Gibraltar”;
- (ii) omit the second sentence.

(10) In Article 10, for “a management authority of a Member State” substitute “the management authority”.

(11) In Article 11-

- (a) omit paragraphs 1 and 2;
- (b) in paragraph 3-
  - (i) in the first sentence, for “issuing” substitute “management”;
  - (ii) omit the second sentence;
- (c) in paragraph 4, for “the Community” substitute “Gibraltar”.
- (d) in paragraph 5-
  - (i) in the first sentence, for “Commission shall” substitute “Minister for the Environment may, by regulations,”;
  - (ii) omit the second sentence.

(12) In Article 12-

- (a) in paragraph 1-
  - (i) for “Member States shall” substitute “The Minister with responsibility for the Environment must”;
  - (ii) for “the Community” substitute “Gibraltar”;
  - (iii) omit “within the meaning of Regulation (EEC) No 2913/92,”;
- (b) in paragraph 2-
  - (i) for “Member States shall” substitute “The Minister with responsibility for the Environment must”;
  - (ii) for “Community” substitute “Gibraltar”;
- (c) for paragraph 3 substitute –

“3. A list of the customs offices designated in accordance with paragraph 1 must be published in such form and manner as the Minister for the Environment considers appropriate.”;

(d) in paragraph 4-

(i) in the first sentence-

(aa) for “defined by the Commission, a” substitute “set out in regulations made by the Minister with responsibility for the Environment, the”;

(bb) for “the Community” substitute “Gibraltar”;

(ii) omit the second sentence.

(e) in paragraph 5, for “Member States” substitute “The Minister with responsibility for the Environment”.

(13) In Article 13-

(a) in paragraph 1-

(i) in point (a) –

(aa) for “Each Member State” substitute “The Minister with responsibility for the Environment”;

(bb) for “and for communication with the Commission” substitute “(the management authority)”;

(ii) in point (b) for “Each Member State” substitute “The Minister with responsibility for the Environment”;

(b) in paragraph 2 for “Each Member State shall” substitute “The Minister with responsibility for the Environment may”;

(c) omit paragraph 3.

(14) In Article 14-

(a) in paragraph 1-

(i) in point (a), for “of the Member States shall” substitute “must”;

(ii) omit point (c);

(b) omit paragraphs 2 and 3.

(15) In Article 15-

(a) omit paragraphs 1, 3 and 5;

(b) in paragraph 2, for “The Commission shall” substitute “The Minister with responsibility for the Environment must”;

(c) in paragraph 4-

(i) omit points (a) and (c);

(ii) in point (b)-

(aa) for “On the basis of the information submitted by the Member States referred to in (a), the Commission services shall” substitute “The Minister with responsibility for the Environment must”;

(bb) for “the Union” substitute “Gibraltar”;

(iii) for point (d) substitute –

“(d) The Minister for the Environment must publish a report on the implementation and enforcement of this Regulation when reporting that information under the Convention, to the Convention Secretariat.”;

(iv) in point (e), for the words from beginning to “June” substitute “The Minister with responsibility for the Environment must communicate to the Convention Secretariat before 31<sup>st</sup> October”;

(d) in paragraph 6-

(i) omit “Without prejudice to Council Directive 90/313/EC of 7 June 1990 on the freedom of access to information on the environment”;

(ii) for “Commission” substitute “Minister with responsibility for the Environment”;

(iii) after “this Regulation” insert “, having regard to the Freedom of Access to Information on the Environment Regulations 2005”.

(16) In Article 16-

(a) in paragraph 1-

- (i) for the words from “Member States” to “infringements” substitute “The following are infringements”;
  - (ii) in sub-paragraph (a), for “the Community” substitute “Gibraltar”;
  - (iii) in subparagraph (d), for “Community permit or certificate” substitute “permit or certificate issued in accordance with this Regulation”;
  - (iv) in subparagraph (i), for “the territory of the Community” substitute “Gibraltar”;
  - (v) in subparagraph (m), for “a Community” substitute “an”;
  - (b) omit paragraph 2;
  - (c) in paragraph 3-
    - (i) for “the Member State of confiscation” substitute “Gibraltar”;
    - (ii) in point (a), for “that Member State” substitute “Gibraltar”;
    - (iii) in point (b), for “the Community” substitute “Gibraltar”;
  - (d) in paragraph 4-
    - (i) for “the Community” substitute “Gibraltar”;
    - (ii) for “the Member State responsible for the point of introduction” substitute “Gibraltar”.
- (17) Omit Articles 17 and 18.
- (18) In Article 19-
- (a) in paragraph 1-
    - (i) omit the first subparagraph;
    - (ii) in the second subparagraph-
      - (aa) for “Commission shall determine” substitute “Minister with responsibility for the Environment may, by regulations, prescribe”;
      - (bb) omit the words from “in accordance” to the end;
  - (b) omit paragraph 2;
  - (c) in paragraph 3-

- (i) in the first subparagraph, in the words before point (a), for “Commission shall lay down uniform” substitute “Minister with responsibility for the Environment must, by regulations, prescribe”;
- (ii) omit the second subparagraph;
- (d) in paragraph 4-
  - (i) in the first sentence, for “Commission shall adopt, where necessary, additional measures to” substitute “Minister with responsibility for the Environment may, by regulations,”;
  - (ii) omit the second sentence;
- (e) in paragraph 5-
  - (i) in the first sentence, for “Commission shall” substitute “Minister with responsibility for the Environment may, by regulations,”;
  - (ii) for the second sentence substitute-

“Before amending Annex B with respect to species described at Article 3(2)(c) or (d), or amending Annex D with respect to species described at Article 3(4)(a), the Minister with responsibility for the Environment must consult the scientific authority regarding the amendment.”.

(19) Omit Articles 20 to 22.

(20) Omit –

- (a) the words “This Regulation shall be binding” to the end;
- (b) “Done at Brussels, 9 December 1996”;
- (c) the signatory text.

**Amendment of Commission Regulation (EC) No 865/2006.**

5.(1) Commission Regulation (EC) No 865/2006 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, is amended as follows.

(2) In Article 1-

- (a) In point (4a)-

- (i) omit “competent”, in the first place it occurs;
    - (ii) for “the Member State concerned” substitute “Gibraltar”;
  - (b) in point (5), for “the Community” in both places substitute “Gibraltar”.
- (3) In Article 5b, for “the Union” substitute “Gibraltar”.
- (4) In Article 7(1), for “the Community” substitute “Gibraltar”.
- (5) In Article 8-
- (a) in paragraph 1, in the second subparagraph, (beginning “In order to ensure”), for “national” substitute “Gibraltar” and omit “issuing”;
  - (b) in paragraph 2, for “the Community” in both places substitute “Gibraltar”;
  - (c) in paragraph 3-
    - (i) in the first subparagraph (beginning “Management authorities shall”), for “Management authorities” substitute “The management authority”;
    - (ii) in the second subparagraph, (beginning “However, where”), omit “issuing”.
- (6) In Article 11-
- (a) in paragraph 3-
    - (i) in the second subparagraph, (beginning “The management authority”), omit “of the Member State in which the specimen is located”;
    - (ii) in the third subparagraph, (beginning “Where a transaction”)-
      - (aa) (in the first sentence), for “the issuing Member State” substitute “Gibraltar”;
      - (bb) (in the second sentence), omit “in a Member State other than the issuing Member State, they shall be issued” and omit “and”;
      - (cc) (in the third sentence), omit “and the Member State(s) in whose territory it is valid”;
  - (b) in paragraph 5 omit “issuing”.
- (7) In Article 13(1), for “the Community” substitute “Gibraltar”.

(8) In Article 14-

- (a) in the first subparagraph, (beginning “In the case of”), for “the Community” in both places substitute “Gibraltar”.
- (b) in the second subparagraph, (beginning “However, certificates of origin”), for “the Union” in both places substitute “Gibraltar”.

(9) In Article 15-

- (a) in paragraph 1, omit “competent”;
- (b) in paragraph 2-
  - (i) in the first subparagraph (beginning “The derogation”)-
    - (aa) omit “competent” in the first place it occurs;
    - (bb) for “the Member State” substitute “Gibraltar”;
  - (ii) in the second subparagraph (beginning “As regards specimens”)-
    - (aa) omit “competent”;
    - (bb) for “the Member State” substitute “Gibraltar”;
- (c) in paragraph 3, in the second subparagraph, (beginning “In the case of”), for “Community”, in each place it occurs, substitute “Gibraltar”.

(10) In Article 16, and in the heading to that Article, for “the Community” substitute “Gibraltar”.

(11) In Article 17(1)(a), for “Member States” substitute “the management authority”.

(12) In Article 18(1)-

- (a) in point (a), for “each Member State” substitute “the management authority”;
- (b) in point (b), for “Member States” substitute “the management authority”;
- (c) in point (c), for “Member States” substitute “the management authority”, and omit “of the relevant Member State”.

(13) In Article 19-

- (a) in paragraph 1-



- (i) in the first sentence, for “Member States” substitute “the Management Authority”;
  - (ii) in point (a), after “a competent scientific authority” insert “of Gibraltar”;
  - (iii) in point (b), for “each Member State” substitute “the management authority”;
  - (iv) in points (c) and (d), for “Member States” substitute “the management authority”;
- (b) in paragraph 2, omit the words “and (5)”.
- (14) In Article 20-
- (a) in paragraph 1, for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, omit “of the Member State of destination”.
- (15) In Article 20a, for “Member States” substitute “The management authority”.
- (16) In Article 22, in the first subparagraph, (beginning “Without prejudice”), for “the Community” substitute “Gibraltar”.
- (17) In Article 23, omit the second subparagraph, (beginning “The original import permit”).
- (18) In Article 24(1), for “the Community” substitute “Gibraltar”.
- (19) In Article 25, omit the second subparagraph, (beginning “The original import permit”).
- (20) In Article 26-
- (a) in paragraph 1, for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, for “the Member State in whose territory the specimens are located” substitute “Gibraltar”;
  - (c) in paragraph 6, for “another Member State” substitute “a third country”;
  - (d) in paragraph 8, for “a Member State” substitute “Gibraltar”;
  - (e) in paragraph 9-
    - (i) for “the Community” substitute “Gibraltar”;
    - (ii) for “another Member State” substitute “a third country”;

- (f) in paragraph 10-
  - (i) for “a management authority”, in the first place it occurs, substitute “the management authority”;
  - (ii) for “another Member State” substitute “a third country”.
- (21) In Article 26a, for “Member States” substitute “Gibraltar”.
- (22) In Article 28, omit the second subparagraph, (beginning “The copy for return”).
- (23) In Article 29, for “a Member State” substitute “Gibraltar”.
- (24) In Article 30(1)-
  - (a) in the first sentence, for “Member States” substitute “The management authority” and for “either” substitute “at least one”;
  - (b) after point (a) insert-
    - “(aa) they were-
      - (i) acquired in, or introduced into, a member State before the provisions relating to species listed in Appendices I,II or III to the Convention, or in Annex C to Regulation (EEC) No 3626/82, or in Annexes A, B and C to Regulation 338/97 (pre-exit) became applicable to them, and
      - (ii) were introduced into Gibraltar before 1 January 2021; or”;
  - (c) in point (b) for “Community” substitute “Gibraltar” and for “Regulation (EC) No 338/97” substitute “Regulation 338/97 (pre-exit)”.
- (25) In Article 32-
  - (a) in paragraph 1, for “the Community” substitute “Gibraltar”;
  - (b) in paragraph 2, omit “of the Member State of first destination”;
  - (c) in paragraph 3, for “a Member State” substitute “Gibraltar”, and omit “of that Member State”.
- (26) In Article 33(1)-
  - (a) in point (b), for “Member State” substitute “third country”;
  - (b) in point (c), for “each Member State” substitute “the third countries”.

(27) In Article 34-

- (a) in paragraph 1, in the second subparagraph (beginning “Member States”), for “Member States” substitute “The management authority”;
- (b) in paragraph 2, omit the words from “of the Member State in which” to “first destination”.

(28) In Article 35-

- (a) in paragraph 1-
  - (i) in the first subparagraph-
    - (aa) for “In the case of” substitute “For”;
    - (bb) for “Article 32(1)” substitute “this Regulation, Regulation 338/97 (pre-exit), or the Convention”;
  - (ii) omit the second subparagraph, (beginning “The customs office shall”);
- (b) omit paragraph 2.

(29) In Article 37(1), for “Member States” substitute “The management authority”.

(30) In Article 39-

- (a) in paragraph 1, for “the Community” substitute “Gibraltar”, and omit the words “of the Member State” to the end;
- (b) in paragraph 2, omit “of the Member State of first destination”;
- (c) in paragraph 3-
  - (i) in the second paragraph, (beginning “The specimen covered”), omit “of Commission Regulation (EC) No 865/2006”;
  - (ii) omit the fourth subparagraph, (beginning “This certificate shall in no way”);
- (d) in paragraph 4, for “a Member State” substitute “Gibraltar”, and omit “of that State”.

(31) In Article 40(1)-

- (a) in point (a) for “Member State” substitute “country”;

- (b) omit point (b).
- (32) In Article 41-
- (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, in the first subparagraph (beginning “The duly completed”), for the words from “ a management authority of the Member State in” to “of first destination” substitute “the management authority”.
- (33) In Article 42-
- (a) in paragraph 1, omit the second subparagraph, (beginning “The customs office shall”);
  - (b) in paragraph 2, omit the second subparagraph (beginning “The customs office shall”).
- (34) In Article 44a, for Member States substitute “The management authority”.
- (35) In Article 44c-
- (a) in paragraph 1, for “the Community” substitute “Gibraltar”, and omit the words “of the Member State” to the end;
  - (b) in paragraph 2, omit the words “of the Member State of first destination”.
- (36) In Article 44d(1), for “the Community” substitute “Gibraltar”.
- (37) In Article 44e-
- (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, in the first subparagraph, for the words from “a management authority of the Member State” to “first destination” substitute “the management authority”.
- (38) In Article 44f(1)-
- (a) omit the second subparagraph, (beginning “The customs office shall”);
  - (b) omit the third subparagraph, (beginning “However, at the time”).
- (39) In Article 44h(1), for “Member States” substitute “The management authority”.

- (40) In Article 44j, omit paragraph 1.
- (41) In Article 44k-
- (a) in point (b), for “the Member State in which it is registered” substitute “Gibraltar”;
  - (b) in point (c), for “the applicant’s State of usual residence” substitute “Gibraltar”.
- (42) In Article 44l-
- (a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “The management authority”;
  - (b) in paragraph 2, for “a management authority of the Member State of usual residence of the applicant” substitute “the management authority”.
- (43) In Article 44m-
- (a) in the first subparagraph, (beginning “In the case of”), for “the Union” substitute “Gibraltar”;
  - (b) omit the second subparagraph, (beginning “The customs office shall”).
- (44) In Article 44p, and in the heading to that Article, for “the Union” in both places substitute “Gibraltar”.
- (45) Omit Article 45.
- (46) In the heading to Chapter X, (beginning “Certificates Provided For”), omit “5(2)(b)”.
- (47) In Article 46, omit “5(2)(b),” and omit “of the Member State in which the specimens are located,“.
- (48) In Article 47-
- (a) in the heading to that Article, for “Article 5(2)(b),” substitute “Article 5”,
  - (b) in the first sentence (beginning “The certificates provided for”), for “Article 5(2)(b) substitute “Article 5”;
  - (c) in point (1), for “the Member State of origin” substitute “Gibraltar”;
  - (d) in point (2), for “the Member State where the recovery took place” substitute “Gibraltar”;
  - (e) in point (3), for “the Community” substitute “Gibraltar after 1 January 2021”;

(f) after point (3) insert-

“(3A) they were acquired in, or introduced into Gibraltar before 1 January 2021, in accordance with Regulation 338/97 (pre exit);”;

(g) in point (4), for “the Community” substitute “Gibraltar”;

(h) in point (5) for “the Community” substitute “Gibraltar”;

(i) in point (6)-

(i) for “(3)” substitute “(3A)”;

(ii) after “applicable in that Member State” insert “, and were introduced into Gibraltar before 1 January 2021”.

(49) In Article 48-

(a) in paragraph 1-

(i) for point (a) substitute-

“(a) they were-

(i) acquired in, or introduced into, a member State before the provisions relating to species listed in Annex A to Regulation 338/97 (pre-exit), or in Appendix I to the Convention, or in Annex C1 to Regulation (EEC) No 3626/82 became applicable to them; and

(ii) introduced into Gibraltar before 1 January 2021;”;

(b) after point (a) insert-

“aa) they were acquired in, or introduced into Gibraltar before the provisions relating to species listed in Annex A to Regulation 338/97 (pre-exit), or in Appendix I to the Convention, or in Annex C1 to regulation (EEC) No 3626/82 became applicable to them;”;

(ii) in point (b), for “a Member State” substitute “Gibraltar”, and for “that Member State” substitute “Gibraltar”;

(c) in paragraph 2, omit “competent” and “of a Member State”.

(50) In Article 50-

(a) in paragraph 1, in the second subparagraph, (beginning “Member States”), for “Member States” substitute “Gibraltar”;

- (b) in paragraph 2, for “a management authority of the Member State in which the specimens are located” substitute “the management authority”.

(51) In Article 51-

- (a) in paragraph 1, in the second subparagraph, (beginning “For the purposes of point (b)), for “another Member State” substitute “a third country”;
- (b) in paragraph 2, omit “issuing the certificate”;
- (c) omit paragraph 4.

(52) In Article 52(2)-

- (a) in the first subparagraph (beginning “A registration number”, omit “of the Member State in which they are located”;
- (b) in the second subparagraph (beginning “That registration number”), for “the Member State concerned” substitute “Gibraltar”.

(53) In Article 53(1) for “the Community”, in both places it occurs, substitute “Gibraltar”.

(54) In Article 54, in the first sentence (beginning “Without Prejudice”), for “the Member State” substitute “Gibraltar”.

(55) In Article 56(1)-

- (a) for “a competent management authority” substitute “the management authority”;
- (b) for “a competent scientific authority” substitute “the competent scientific authority”;
- (c) omit “of the Member State concerned”.

(56) In Article 57-

- (a) in the heading, and in paragraphs 1(b), 2, 4 and 5, for “the Community” substitute “Gibraltar”;
- (b) in paragraph 3-
  - (i) in the first subparagraph, (beginning “The first introduction”), for “the Community” substitute “Gibraltar”;
  - (ii) omit the second subparagraph (beginning “Customs shall forward”);
- (c) in paragraph 3a, for “the Union” substitute “Gibraltar”;

(57) In Article 58-

- (a) in the heading, and in paragraph 1(b), for “the Community” substitute “Gibraltar”;
- (b) in paragraph 3, in the first sentence, and in points (a) and (c), in each place occurring, for “the Community” substitute “Gibraltar”;
- (c) in paragraph 3a, for “the Union” substitute “Gibraltar” and for “State” substitute “state”.

(58) In Article 58a-

- (a) in the heading, for “the Union” substitute “Gibraltar”;
- (b) in paragraph 1-
  - (i) in the first subparagraph (beginning “Commercial activities”) for “the Union” substitute “Gibraltar” and for “a Member State” substitute “Gibraltar”;
  - (ii) in point (a), for “the Union” substitute “Gibraltar”;
  - (iii) in point (b), for “the Member State concerned” substitute “Gibraltar” and for “the Union” substitute “Gibraltar”;
- (c) in paragraph 2, for “the Union”, in both places occurring, substitute “Gibraltar”.

(59) In Article 59-

- (a) in paragraphs 1, 1a and 5, omit “competent”;
- (b) in paragraphs 2 and 3, omit “competent” the first time it occurs and for “a competent” substitute “the competent”;
- (c) in paragraph 4, omit “competent” and for “Member State” substitute “third country”.

(60) In Article 60, in the first sentence, (beginning “Without Prejudice”)-

- (a) for “a management authority” substitute “the management authority”;
- (b) for “a scientific authority” substitute “the scientific authority”.

(61) In Article 63-

- (a) in paragraph 1, for “a Member State” substitute “Gibraltar”;



- (b) in paragraph 2, for “a Member State” substitute “Gibraltar”, and for “the Community” substitute “Gibraltar”.

(62) In Article 64-

- (a) in the heading, for “the Community” substitute “Gibraltar”;
- (b) in paragraph 1(e), for “the Community” in both places occurring substitute “Gibraltar”.

(63) In Article 66-

- (a) in paragraphs 2, 3 and 4, omit “competent”;
- (b) in paragraph 5, for “the Community” substitute “Gibraltar”;
- (c) in paragraph 7-
  - (i) in the first subparagraph (beginning “Only those processing”)-
    - (aa) omit “of a Member State”;
    - (bb) omit “or intra-Community trade”;
    - (cc) after “for export” insert “or”;
  - (ii) in the fourth subparagraph (beginning “The list of facilities), omit “and to the Commission”.

(64) In Article 67, for “the territory of the Community” substitute “Gibraltar”.

(65) In Article 68(1), for “the Member State” (in the first place it occurs) substitute “Gibraltar”, and for “other Member States” substitute “third countries”.

(66) In Article 69-

- (a) in paragraph 1-
  - (i) in the first subparagraph, (beginning “Member States shall collect data”)-
    - (aa) for “Member States” substitute “The Minister for the Environment”;
    - (bb) for “the Community” substitute “Gibraltar”;
    - (cc) for “their management authorities” substitute “the management authority”;
    - (dd) omit the words from “, irrespective of the” to the end;

- (ii) in the second subparagraph, (beginning “Member States shall, in compliance with”)-
    - (aa) for “Member States” substitute “The Minister with responsibility for the Environment”;
    - (bb) for “Article 15(4)(a)” substitute “Article 15(4)(b)”;
    - (cc) for “report” substitute “publish”;
    - (dd) omit the words from “to the Commission” to “computerised form and”;
  - (b) in paragraph 2(b) for “the Community” substitute “Gibraltar”;
  - (c) in paragraph 3, for “Member States” substitute “the Minister with responsibility for the Environment”, and for “the Community” substitute “Gibraltar”;
  - (d) for paragraph 4, substitute-
    - “4. The Minister with responsibility for the Environment shall publish the information referred to in paragraphs 1, 2 and 3 when reporting that information under the Convention, to the Convention Secretariat.”;
  - (e) in paragraph 5-
    - (i) in the first subparagraph (beginning “The information referred”), for “Article 15(4)(c)” substitute “Article 15(4)(d)”;
    - (ii) in the second subparagraph (beginning “In addition”), for “Member States” substitute “The Minister with responsibility for the Environment”, and after “shall” insert “publish a”;
  - (f) for paragraph 6, substitute-
    - “6. The Minister with responsibility for the Environment shall publish the information referred to in paragraph 5 when reporting that information under the Convention to the Convention Secretariat.”.
- (67) Omit Article 70.
- (68) In Article 71-
- (a) in paragraph 1, for “Member States” substitute “the management authority”;
  - (b) in paragraph 2, omit “competent” and “of the Member State”;

(c) in paragraph 4(c), for “the Community” substitute “Gibraltar”.

(69) In Article 72, omit paragraph 3.

(70) Omit Articles 73, 74 and 75.

(71) Omit-

(a) the words “This Regulation shall be binding” to the end;

(b) “Done at Brussels, 4 May 2006.”;

(c) the signature text.

### **Amendment of Commission Implementing Regulation (EU) No 792/2012.**

6.(1) Commission Implementing Regulation (EU) No 792/2012 laying down rules for the design of permits, certificates and other documents provided for in Council Regulation (EC) 338/97 on the protection of species of wild fauna and flora by regulating trade therein, and amending Commission Regulation (EC) No 865/2006, is amended as follows.

(2) In Article 2(5), in the second subparagraph (beginning “Member States may”), for “Member States” substitute “The management authority”.

(3) In Article 3-

(a) in paragraph 7-

(i) omit “in one of the official Union languages”;

(ii) for “management authorities” substitute “management authority”;

(iii) omit the words from “of each Member State” to the end;

(b) in paragraph 8, for “Member States” substitute “The management authority”.

(4) Omit Article 5.

(5) In Annex I-

(a) in the first, second, third, fourth and fifth forms-

(i) in the header to each form, omit “European Union”;

(ii) in box number 12, in each form for “EU Annex” substitute “Gibraltar Annex”;

- (b) after the first, second and third forms, in the “Instructions and explanations” to those forms-
  - (i) in point 2 (beginning “The period of validity”), in the last sentence, for “the Union” substitute “Gibraltar”;
  - (ii) in point 15 to 17 (beginning “The country of origin”)-
    - (aa) omit “third”;
    - (bb) after “country” insert “other than Gibraltar”;
    - (cc) omit the words from “Where specimens originating in” to the end;
  - (iii) in point 18 to 20 (beginning “The country of last re-export”), for “the Union” substitute “Gibraltar”;
  - (iv) in point 27 (beginning “To be completed”)-
    - (aa) for “the Union” substitute “Gibraltar”;
    - (bb) for “the Member State concerned”, in both places it occurs, substitute “Gibraltar”;
- (c) after the fourth and fifth forms, in the “Instructions and explanations” to those forms-
  - (i) in point 15 to 17 (beginning “The country of origin”)-
    - (aa) omit “third”;
    - (bb) after “country” insert “other than Gibraltar”;
    - (cc) omit the words from “Where specimens originating in” to the end;
  - (ii) in point 18 to 20, (beginning “The country of last re-export”), for “the Union” substitute “Gibraltar”.
- (6) In Annex II-
  - (a) in the first and second forms-
    - (i) in the header to both forms, omit “European Union”; and
    - (ii) in every box number 12, in both forms, for “EU Annex” substitute “Gibraltar Annex”;

- (b) after the first and second forms, in the “Instructions and explanations” to both forms, in point 13 (beginning “The importer”), for “the Union” substitute “Gibraltar”.

(7) In Annex III-

- (a) in the first, second and third forms-
  - (i) in the boxed heading to each form, omit “European Union”;
  - (ii) in box number 13, in each form, for “EU Annex” substitute “Gibraltar Annex”;
  - (iii) in box number 18 in each form, for “a Member State of the Union” substitute “Gibraltar”;
- (b) after the first form, in the “Instructions and explanation”-
  - (i) in point 2 (beginning “The date of expiry”), omit “third”, and after “country” insert “other than Gibraltar”;
  - (ii) in point 14 (beginning “Use the codes”) for “the Union” substitute “Gibraltar”;
  - (iii) in point 15 to 16 (beginning “The country of origin”)-
    - (aa) omit “third”;
    - (bb) after “country” insert other than Gibraltar”;
    - (cc) omit the words from “Where specimens originating in” to the end;
  - (iv) in point 18 (beginning “Enter the date”), for “the Union” substitute “Gibraltar” and after “338/97” insert “(pre-exit)”;
  - (v) in point 19 (beginning “To be completed”), omit “third”, and after “country” insert “other than Gibraltar”;
  - (vi) in point 21 (beginning “This block has been pre-printed”)-
    - (aa) in the sentence beginning “The holder”, omit “third”, in each place it occurs; and after “country”, in each place it occurs, insert “other than Gibraltar”;
    - (bb) in the sentence beginning “The customs office shall”, omit “third”, and after “country” insert “other than Gibraltar”; and for “the Member State’s” substitute “Gibraltar’s”;

- (c) after the second and third forms, in the “Instructions and explanations”-
  - (i) in point 14, (beginning “Use the codes”), for “the Union” substitute “Gibraltar”;
  - (ii) in point 15/16, (beginning “The country of origin”)-
    - (aa) for “third country (i.e. a non –EU country)” substitute “country other than Gibraltar”; and
    - (bb) omit the words from “Where specimens originating in” to the end;
  - (iii) in point 18, (beginning “Enter the date”), for “the Union” substitute “Gibraltar”.
- (8) In Annex IV in the boxed heading to the form, omit “European Union”.
- (9) In Annex V-
  - (a) in the first, second and third forms-
    - (i) in the header to each form, omit “European Union”;
    - (ii) in the box at the top of each form, headed “Certificate”, for “the European Union” substitute “Gibraltar”;
    - (iii) in box number 8, in each form, for “EU Annex” substitute “Gibraltar Annex”;
    - (iv) in box number 13, in each form, for “Member State” substitute “Country”;
    - (v) in box number 18, in each form-
      - (aa) in tick boxes a) and b), for “issuing Member State” substitute “Gibraltar”;
      - (bb) in tick-box d), for “the Union” substitute “a member State”, and after “Council Regulation (EC) No 338/97” insert “as it had effect immediately before 1 January 2021”;
      - (cc) in tick-box e), for “the Union” substitute “a member State”;
      - (dd) in tick box f), for “the Union” substitute “a member State”;
      - (ee) in tick-box g), for “issuing Member State” substitute “Gibraltar” and after “(EC) No 338/97” insert “(as it had effect immediately before 1 January 2021);

- (vi) in box number 19, in each form, in tick box (e) for “the Union” substitute “Gibraltar”;
- (b) after the first form, in the “Instructions and explanations”-
  - (i) in point 2 (beginning “Only to be completed”), for “a Member State” substitute “Gibraltar”;
  - (ii) in point 13 to 15 (beginning “The Member State”) for “Member State” in both places, substitute “country”;
- (c) after the second and third forms, in the “Instructions and explanations”, in point 13 to 15 (beginning “The Member State”) for “Member State”, in both places, substitute “country”.

**Amendment of Commission Implementing Regulation (EU) No 2019/1587.**

7.(1) Commission Implementing Regulation (EU) No 2019/1587 prohibiting the introduction into the Union of specimens of certain species of wild fauna and flora in accordance with Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein is amended as follows.

- (2) In the heading to the Regulation for “the Union” substitute “Gibraltar”.
- (3) In Article 1, for “the Union” substitute “Gibraltar”;
- (4) Omit Articles 2 and 3.
- (5) After Article 3, omit “This Regulation shall be binding in its entirety and directly applicable in all Member States”.
- (6) In the headings to both tables in the Annex, for “the Union” substitute “Gibraltar”.

Dated:4<sup>th</sup> February 2021.

PROF J.CORTES,  
Minister with responsibility for the Environment.

**EXPLANATORY MEMORANDUM**  
**(This note is not part of the Regulations)**

These Regulations are made in exercise of the powers conferred by section 11 of, and paragraph 1(b) of Schedule 3 to the European Union (Withdrawal) Act 2019 in order to address failures of retained EU Law to operate effectively and correct other deficiencies, arising from the withdrawal of the United Kingdom and Gibraltar from the European Union. These Regulations make amendments to legislation in the field of international trade in endangered species of wild fauna and flora, and in particular amends legislation relating to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). CITES controls the import, export and transshipment of protected flora and fauna, including dead or living controlled species as well as parts or derivatives (e.g. skin, fur, teeth, shell, feathers or blood and parts of some plants, for example, seeds). Part 2 amends domestic legislation, Part 3 amends retained direct EU legislation (EU Regulations). The Regulations also provide for functions of making an instrument of a legislative character exercised by EU entities to be exercisable instead by the Minister or other public authorities in Gibraltar.