

# SECOND SUPPLEMENT TO THE GIBRALTAR GAZETTE

No. 5050 GIBRALTAR Thursday 4th May 2023

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LEGAL NOTICE NO. 113 OF 2023

## EUROPEAN UNION (WITHDRAWAL) ACT 2019

### COUNCIL REGULATION (EC) NO 338/97

#### TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (COUNCIL REGULATION (EC) NO 338/97) (AMENDMENT NO.2) REGULATIONS 2023

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 and by Article 19 (4) and (5) of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, and following consultation with the Scientific Authority, the Minister with responsibility for the Environment has made the following Regulations-

#### **Title.**

1. These Regulations may be cited as the Trade in Endangered Species of Wild Fauna and Flora (Council Regulation (EC) No 338/97)(Amendment No.2) Regulations 2023.

#### **Commencement.**

2.(1) Subject to subregulation (2), these Regulations come into operation on the day of publication.

(2) Regulation 4(3) comes into operation on 21 May 2023.

#### **Amendments to Regulation (EC) No 338/97.**

3.(1) Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein is amended in accordance with this regulation.

(2) In Article 5(2)(c)(ii) for “listed in Appendix I” substitute “not listed in Annex I”.

(3) In Article 7-

(a) in paragraph (1)(b) for “in writing, and published,” substitute “in regulations made”;

(b) in paragraph (2)(c) for “specified in writing, and published” substitute “set out in regulations made”;

- (c) in paragraph (4) delete “determined in accordance with the regulatory procedure referred to in Article 18(2) or a similar label”.

**Amendments to the table which sets out Annexes A to C.**

4.(1) The table which sets out Annexes A to C in the Annex to Council Regulation (EC) No 338/97 is amended in accordance with this regulation.

- (2) In the rows relating to **Viperidae** after the entry relating to *Crotalus durissus* (III Honduras) insert –

			“ <i>Daboia Palaestinae</i> (III Israel)”.	
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- (3) In the rows relating to **Papilionidae**, after the row relating to *Papilio neumoegeni* insert –

			“ <i>Papilio phorbanta</i> (III European Union)”	Small Réunion swallowtail”.
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- (4) In the rows relating to FLORA, APOCYNACEAE after *Pachypodium decaryi* insert-

	“ <i>Pachypodium windsorii</i> (I)”.			
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- (5) In the rows relating to COMPOSITAE (ASTERACEAE) for “*Crassothonna cacalioides* (III South Africa)” substitute “*Othonna cacalioides* (III South Africa)”.

Dated: 4<sup>th</sup> May 2023.

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

**EXPLANATORY NOTE**

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

These Regulations amend the retained EU law version of Council Regulation (EU) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein and its Annex.

These Regulations implement changes to Appendix III to the Convention on International Trade in Endangered Species of Wild Fauna and Flora following requests to the parties from Israel (Notification No 2023/011) and from the European Union (Notification No 2023/018). The Regulations also implement Notification 2023/015 of 10 February 2023 which notified amendments required due to errors in previous notifications.