

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

**Biennial Report 2009 - 2010
of the
Federal Republic of Germany**



Cover design: Pictures of CITES protected reptiles: *Morelia viridis* (F. Rogalla) above left, *Varanus salvator* (C. Grabner) above right, *Eretmochelys imbricata* (D. Hausen) below left, *Crocodylus porosus* (D. Jelden) below right.

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This publication is included in the literature database "**DNL-online**" (www.dnl-online.de).

BfN-Skripten are not available in book trade but can be downloaded in a pdf version from the internet at: http://www.bfn.de/0502_skripten.html

Publisher: Bundesamt für Naturschutz (BfN)
Federal Agency for Nature Conservation
Konstantinstrasse 110
53179 Bonn, Germany
URL: <http://www.bfn.de>

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Printed by the printing office of the Federal Ministry of Environment, Nature Conservation and Nuclear Safety.

Printed on 100% recycled paper.

ISBN .978-3-89624-035-4

Bonn, Germany 2011

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PART 1 – CITES Questions

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

A. General information

Party:	Federal Republic of Germany
Period covered in this report:	1st January 2009 to 31st December 2010
Details of agency preparing this report:	Federal Agency for Nature Conservation Konstantinstraße 110 D – 53179 Bonn Germany
Contributing agencies, organizations or individuals:	1. Federal Ministry for Environment, Nature Conservation and Nuclear Safety Robert-Schuman-Platz 3 D – 53175 Bonn Germany 2. Federal States ‘Länder’ 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"/></p> <p>Yes (partly) <input type="checkbox"/></p> <p>No <input type="checkbox"/></p> <p>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>European Union (EU) law: EC Wildlife Trade Regulations (WTR)</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: 1st 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: 9th 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 709/2010 implementing the decisions at CITES CoP 15 (entry into force: 25th July 2010).</p> <p>The implementing Regulation (Commission Regulation (EC) 865/2006) was amended by Commission Regulation (EC) 100/2008 (entry into force: 25th April 2008) which incorporates Resolutions and Decisions adopted at CoP 13 and CoP 14, e.g. standard nomenclature, pre-Convention status, personal effects exemptions (caviar, seahorses, giant clam shells), restrictions for trade in caviar, sample collections covered by ATA carnets, retrospective issuance of documents or the new CITES Biennial Report format.</p> <p>In addition, there are EC Trade Suspension Regulations, currently Commission Regulation (EC) No 997/2010 suspending the introduction into the European Community of certain wild fauna and flora. All regulations are available through www under http://ec.europa.eu/environment/cites/home_en.htm.</p> <p>National German Law</p> <p>A revised version of the Federal Nature Conservation Act <BNatSchG> was promulgated on 6th August 2009 (Federal Law Gazette I, p. 2542) and has been in force since 1st March 2010.. 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 (<BArtSchV>, 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 (<BWildSchV>, 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, <BJagdG>, 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"> • 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; • Information and access rights (Art. 52 of the Federal Nature Conservation Act); • 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; • The legal protection of indigenous species (Annex 1 of the Federal Ordinance on the Conservation of Species); 	

6	What were the results of any review or assessment of the effectiveness of CITES legislation, with regard to the following items?				Tick all applicable	
	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"/>		
<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 for over 10 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. The purpose 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. The study provided also options on how to address the issues and shortcomings identified. The Study can be downloaded from the following website: http://ec.europa.eu/environment/cites/pdf/studies/effectiveness_study.pdf</p> <p>The Study concludes 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, at this stage a full revision is not necessary. However, there is considerable scope for rendering the regulatory system more efficient and effective by revising the Implementing Regulation (Commission Regulation (EC) 865/2006) and by developing guidelines for the implementation of both Regulations.</p>						
7	If no review or assessment has taken place, is one planned for the next reporting period?			Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	No information <input type="checkbox"/>
Please provide details if available: The follow-up process of the 'Effectiveness Study' (see B 6) will be continued and probably finalized in late 2011 or early 2012 by amending the implementing Regulation (Commission Regulation (EC) 865/2006) and/or adopting guidelines.						
8	Has there been any review of legislation on the following subjects in relation to implementation of the Convention?				Tick all applicable	
	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"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>						
Please provide details if available:						
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"/>	see Attachment 2
	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. see Attachment 3			
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 see Attachment 4		
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. see Attachment 5			
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. see Attachment 6			
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	No	<input checked="" type="checkbox"/>
		Not applicable	No information	<input type="checkbox"/>
	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>Cooperation with institutions</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 multilateral workshop regarding the illegal trade in reptiles held in Italy was attended. Nearly 40 participants from different EU member states but also from neighbouring countries discussed enforcement matters and investigations related to the illegal trade in reptiles especially tortoises.</p> <p>Furthermore numerous exchanges of intelligence with different countries occurred during the reporting period such as with</p> <ul style="list-style-type: none"> - Belgium, Austria, Netherlands and UK on the illegal trade in birds of prey; - Czech Republic, United Kingdom and Belgium on the illegal trade in tortoises; - Czech Republic on illegal transactions of parrots; - Estonia on the illegal transport of whale meat; and - Hungary on the illegal transport of tortoises. 	
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"/>
Comments: Regular review by the CITES Management Authority, the Customs Criminal Investigations Agency and regional CITES enforcement and management authorities		

17	<p>Please provide details of any additional measures taken:</p> <p>Enhancement of enforcement in international trade in CITES listed tropical timber species</p> <p>The CITES timber enforcement subcommittee which had been initiated at the 52nd meeting of Germany's <i>Bund/Länder</i> 'Standing Committee on Species and Biotope Conservation' had met under the chairmanship of the FANC during the reporting period four times, twice in 2009 and 2010 each. The subcommittee had evaluated a market analysis and a world wide web research on Germany's trade in CITES protected timber and its derivatives as background information and preparatory research for coordinated controls of stakeholders in the trade chain. Furthermore a list and network of experts in the identification of tropical timber was created and guidelines for enforcement bodies where developed on how to undertake controls of traders, construction warehouses, wholesale shops or furniture producing companies which trade in or process CITES protected timber. The working group will continue with its work under the mandate given to it throughout 2011.</p> <p>Enhancement of enforcement in international trade in CITES protected tortoises</p> <p>In late 2009 the 'Standing Committee on Species and Biotope Conservation' of the <i>Bund/Länder</i> working group for Nature Conservation (BLANA) agreed at its 57th meeting on the establishment of a CITES turtle and tortoises enforcement subcommittee under the chairmanship of the FANC. During the reporting period the subcommittee met three times. Major objectives of its work were to identify certain species where controls of CITES protected tortoises needs to be enhanced and intensified and how to organize and handle coordinated controls of traders and private reptile keepers. The project was made up in two parts. During a first step the available data was evaluated. In a further step in depth controls and house researches were undertaken which led to a number of seizures of rare tortoises such as <i>Astrochelys radiata</i>, <i>Testudo kleinmanni</i> and <i>Astrochelys yniphora</i>. First results have been presented and published but further investigations are still ongoing.</p> <p>Implementation of EU Commission Recommendation C (2007) 2551 of 13th June 2007</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 57th meeting on a new main focus area in CITES enforcement in April 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 legal breeding, keeping and selling of birds of prey among selected caretakers on the basis of seven selected species.</p>

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? If yes, please give estimation	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No information <input type="checkbox"/>	
7	What are the skills/expertise of staff within the MA(s)? – Administration – Biology – Economics/trade – Law/policy – Other (specify) Veterinary & Forestry – No information	Tick if applicable <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <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. 1. Determination of age and geographical origin of African elephant Ivory 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 th 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). One of the objectives of the project is to validate a new method for the determination of age, based on isotope analysis. In addition to the existing methods using the radiocarbon (¹⁴ C/C) testing the new method will combine the already existing ¹⁴ C/C test with the analysis of a variety of nuclides (⁹⁰ Sr/Ca, ²²⁸ Th, ²³² Th and others). With the conventional method the results can be ambiguous, with the year of death not clearly defined (e. g. 1962 and 1980 for the same sample). By combining this classical method with the determination of strontium and thorium the results will become more accurate. The reason is that due to nuclear testing a significantly increased value of ⁹⁰ Sr/Ca is typical for a death between 1960 and 1970. Lower values indicate a death before 1960 or after 1980. A value below the		

	<p>detection limit indicates a death before 1955. ^{228}Th and ^{232}Th are naturally occurring radionuclides of the thorium decay series. If the time of death is dated back before 1960 the ratio of the two nuclides is 1:1; if the death was approximately around 1990 the ratio is higher than 1:1. Therefore by combining these analyses the time of death of the elephant can be determined with a high degree of certainty which makes the new method very precise and extremely reliable.</p> <p>The second objective of the project will be to develop a new method for the determination of the exact geographical origin of African elephant ivory. The focus of this part of the project is to set up a freely accessible reference database for the African continent, by testing more than 500 ivory samples and combining the results with the spatial monitoring data of the IUCN. Therefore ivory with known origin from all over Africa must be tested with a combination of various geochemical analyses (strontium, but also carbon, nitrogen, oxygen and sulphur). The different composition of these elements in a tusk is dependant on the food elephants are consuming, which differs according to their habitat (vegetation, soil and climate). I.e. young volcanic regions like the East African Rift Valley are characterized by a low $^{87}\text{Sr}/^{86}\text{Sr}$ ratio, whereas geologically older parts have a high $^{87}\text{Sr}/^{86}\text{Sr}$ ratio. Carbon and nitrogen isotopes serve as indicators of the nutritional composition of a specific climate zone. A very low $\delta^{13}\text{C}$ ratio indicates densely forested habitats, a high ratio is indicative of savannah landscapes. After its completion the database can be used to identify the geographical provenance of confiscated ivory as a device to check the legality.</p> <p>The project and its objectives had been presented to the African elephant range states during their 3rd African elephant meeting which had been held from 1-3 November 2010 in Nairobi, Kenya</p> <p>2. Market survey on domestic use of manufactured products made of Ramin (<i>Gonystylus</i> spp.)</p> <p>In order to enhance control and enforcement of the CITES listed tropical timber Ramin the FANC commissioned in late 2009 through the 'Johann Heinrich von Thünen Institut', which for any kind of tropical timber is an approved German Federal Government CITES expert institution, a nation wide market study of products made of this tropical timber. The promising results of the study which provided a deeper understanding and insight of Germany's trade in pre- and readily processed Ramin products will form the basis of future nation wide random controls both at the industry and the wholesale trade sector level dealing professionally with Ramin products.</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? – Government institution – Academic or research institution – Permanent committee – Pool of individuals with certain expertise – Other (specify)	Tick if applicable <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
5	How many staff work in each SA on CITES issues? There are totally 8 persons in both Scientific Authorities involved and working on CITES issues.	
6	Can you estimate the percentage of time they spend on CITES related matters? If yes, please give estimation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/> The percentage of time the 8 persons mentioned under paragraph 5 invest in CITES issues would correspond to roughly 3,5 full time posts
7	What are the skills/expertise of staff within the SA(s)? – Botany – Ecology – Fisheries – Forestry – Welfare – Zoology – Other (specify) Geography – No information	Tick if applicable <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <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"/>
<p>Market survey on succulent <i>Euphorbia</i> species protected by CITES and used as cosmetic, food and medicine, with special focus on Candelilla wax.</p> <p>This market survey review was conducted from December 2008 until February 2009 in order to resolve the increasing enforcement problems associated with the international trade in consumer products containing Candelilla wax as an ingredient. The focus of the study was on the on the use and trade volume of Candelilla wax, obtained from the succulent plant <i>Euphorbia antisyphilitica</i> from Mexico. Other <i>Euphorbia</i> species involved in trade as raw materials for medicinal, aromatic, cosmetic or other more technical uses were additionally discussed.</p> <p>According to the data and results provided by the study, the exemption of finished products in the</p>		

generic listing of succulent *Euphorbia* species on CITES Appendix II was not considered to be harmful to the wild population status of *Euphorbia antisiphilitica* and therefore supported. The outcomes of the study was discussed at the 18th meeting of the CITES Plants Committee (Buenos Aires, March 2009).

Assessment of *Bulnesia sarmientoi* (Palo Santo) exploited forest stands in the Province of Formosa, Argentina

This project was funded by Germany's CITES Scientific Authority of Germany which was conducted by Fundación Biodiversidad (FB), Argentina from October 2009 until January 2010. The objective of the project was to generate updated background information on the status of the major *Bulnesia sarmientoi* exploited forest stands in Argentina in order to provide sound and recent scientific data for the proposal of listing the species in CITES Appendix II. In this regard the project assisted (i) to assess basic population features on a sample of recently exploited *Bulnesia* forest stands in the Province of Formosa; (ii) to assess main impacts of recent logging on stand structure; and (iii) to evaluate the impact of current legal management procedures in the field.

Review of trade in Merbau (*Intsia spp.*) from major range states

The FANC funded study was undertaken between 2007 and 2009 by TRAFFIC Southeast Asia and published in 2009 as a TRAFFIC Southeast Asia report (Tong, P.S., H.K. Chen, J. Hewitt & A. Affre A 'Review of trade in Merbau from major range States'. 128pp. ISBN 9789833393176). The report investigates in detail the international trade in Merbau timber and provides scientific and current data on the population status, harvest management and trade in these species from most important range states and into the most important importing countries. Based on the analysis recommendations for short- and long-term strategies for Merbau conservation are provided. An executive summary was also provided as an information document (PC 18 Inf. 8) for the 18th meeting of the CITES Plants Committee.

Trade in and conservation of two shark species, Porbeagle (*Lamna nasus*) and Spiny Dogfish (*Squalus acanthias*)

Since the 14th CITES Conference of the Parties (CoP) Germany's Scientific Authority continuously collected new information on trade and conservation of the two shark species Porbeagle (*Lamna nasus*) and Spiny Dogfish (*Squalus acanthias*) and updated the listing proposals for these species for the 15th CoP of CITES held in 2010 in Doha, Qatar.

10	Have any project proposals for scientific research been submitted to the Secretariat under Resolution Conf. 12.2?	Yes	<input type="checkbox"/>
		No	<input checked="" type="checkbox"/>
		No information	<input type="checkbox"/>
11	Please provide details of any additional measures taken:		

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 <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <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 <input checked="" type="checkbox"/> No <input type="checkbox"/> Under consideration <input type="checkbox"/> No information <input type="checkbox"/>
4	If Yes, please state which is the lead agency for enforcement: Federal Agency for Nature Conservation (FANC) Division I.1.1 "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 th June 2007 in the official journal of the EU No. L 159/07 (Document 2007/425/EC) and began after the 14 th 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"> - to improve overall inter-agency cooperation; - to collect and distribute relevant information; - to identify enforcement priorities; - to coordinate public relation activities; and - to control and coordinate adequate training activities. 	

D4 Communication, information management and exchange

1	To what extent is CITES information in your country computerized? Tick if applicable						
	– Monitoring and reporting of data on legal trade <input checked="" type="checkbox"/>						
	– Monitoring and reporting of data on illegal trade <input checked="" type="checkbox"/>						
	– Permit issuance <input checked="" type="checkbox"/>						
	– Not at all <input type="checkbox"/>						
– Other (specify) <input type="checkbox"/>							
2	Do the following authorities have access to the Internet? Tick if applicable						
	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	Please provide details where appropriate
	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?					Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>	
4	If Yes, does it provide information on: Tick if applicable						
	– Legislation (national, regional or international)? <input checked="" type="checkbox"/>						
	– Conservation status (national, regional, international)? <input checked="" type="checkbox"/>						
	– Other (please specify)? <input checked="" type="checkbox"/>						
	Import restrictions, trade statistics, permit application procedures etc.						
	Legislation: http://www.bfn.de/0305_rechtsgrundlagen+M52087573ab0.html						
	Trade statistics: http://www.bfn.de/0305_statistik+M5054de7a952.html						
	Permit application procedures: http://www.bfn.de/0305_antragstellung+M5054de7a952.html						
	Import of hunting trophies: http://www.bfn.de/0305_jagd+M5054de7a952.html						
	Personal effects: http://www.bfn.de/0305_pers_gebrauch+M5054de7a952.html						
Costs ordinance: http://www.bfn.de/0305_kosten_vo+M5054de7a952.html							

Labels for scientific exchanges:

http://www.bfn.de/0305_etikett-verfahren.html#c66821

In Germany nearly 100 scientific institutions and scientists are entitled to the exemption provided in Article VII, paragraph 6 of the Convention, most of them have been registered many years ago. The responsibility to check the applications lies first with the Länder authorities and in a second step the respective approved participants are finally notified by BfN to the CITES Secretariat. During the reporting period the respective standing committee of the LANA decided to review the situation referring to the nomination of participants and to their practice to use this exemption. To serve this purpose a questionnaire and a standardized application format on the basis of the provisions of Res. Conf. 11.15 (rev. CoP 12) was drafted and sent out to the responsible authorities of the Länder. The result of this survey was evaluated and summarized by the Management Authority of the BfN and finally discussed at a special LANA meeting. In conclusion it can be summarized that the procedures were known both to the authorities and the institutions. Finally the inclusion of special information section on BfN's CITES website which was undertaken in November 2010 was highly welcomed by the Länder. In addition the newly developed standardised application form was considered useful and recommended to be applied when new institutions want to be registered. In addition, it was decided that those Länder which consider it necessary should check the participants in their territory whether they are still up-to-date. This is foreseen for 2011 and individually listed registered scientists should be checked as a first priority.

5	<p>Is it available through the Internet:</p> <p>Please provide URL:</p> <p>www.cites.bfn.de</p> <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. It provides now among others original text of all relevant CITES legislation on the international, EU- and national level.</p> <p>www.bmu.de</p> <p>General and up-to-date political information 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> <p>www.wisia.de</p> <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> <p>www.artenschutz-online.de</p> <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> <p>www.cites-online.de</p> <p>Online platform for internet based applications for an electronically submission of CITES permits including qualified electronic signature.</p> <p>www.zeet.de</p> <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>	<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>	
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:	Tick if applicable
	- Mortality in transport?	<input checked="" type="checkbox"/>
	- Seizures and confiscations?	<input checked="" type="checkbox"/>
	- Discrepancy in number of items in permit and number of items actually traded?	<input checked="" type="checkbox"/>
	Comments:	
9	Is there a government website with information on CITES and its requirements?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>
	If Yes, please give the URL: www.cites.bfn.de	
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?	Tick if applicable
	- Press releases/conferences	<input checked="" type="checkbox"/>
	- Newspaper articles, radio/television appearances	<input checked="" type="checkbox"/>
	- Brochures, leaflets	<input checked="" type="checkbox"/>
	- Presentations	<input checked="" type="checkbox"/>
	- Displays	<input checked="" type="checkbox"/>
	- Information at border crossing points	<input checked="" type="checkbox"/>
	- Telephone hotline	<input type="checkbox"/>
	- Other (specify)	<input checked="" type="checkbox"/>
	<p>- On 3rd March 2009 which was the 'International Day of Species Conservation' the Federal Agency for Nature Conservation (FANC) launched a press release pointing out on certain challenges which CITES has to face in future and its continuing political importance in the international species conservation arena (http://www.bfn.de/5117.html?&cHash=5754ee8606&tx_ttnews[backPid]=5116&tx_ttnews[tt_news]=2496).</p> <p>- On 18th June 2009 at the airport of Duesseldorf and on 6th July 2010 at the airport in Berlin, each respectively at the beginning of the holiday and travel season, the President of the FANC, Prof. Beate Jessel together with the customs administration of both airports informed the general public during a press conference on the objectives of CITES. Both events which were predominantly targeted at tourists travelling to exotic destinations did receive considerable media presence from major newspapers as well as local and national TV- and Radio stations. During the press conference in Duesseldorf also two newly trained sniffer dogs used by customs to detect protected wildlife shipments were shown to the public and media representatives. (http://www.bfn.de/5117.html?&cHash=b5f36c72a5&tx_ttnews[backPid]=5116&tx_ttnews[tt_news]=2528) (http://www.bfn.de/6914.html?&cHash=360ea14fbb&tx_ttnews[backPid]=6913&tx_ttnews[tt_news]=3242)</p> <p>- The FANC and one of the leading tour operators in Germany, i.e. the TUI company started with a common press release on 9th November a nation wide information campaign on the conservation of species diversity in order to motivate both young and adult tourists to become enthusiastic about the conservation of wildlife. (http://www.bfn.de/5117.html?&cHash=0d7719a980&tx_ttnews[backPid]=5116&tx_ttnews[tt_news]=2562). TUI agreed to show on all his aircrafts the by the FANC commissioned CITES filmspots which are also available to the general public on the FANC's website as follows: http://www.bfn.de/0508_videos_cites.html.</p> <p>- The return of five young loggerhead sea turtles to the Seychelles for release into the wild had been used by the FANC, Frankfurt Zoo and German customs for a press conference on 16th December 2009 which received major media response. The turtles where hatched successfully from eggs at the Frankfurt Zoo after German customs trained sniffer dogs had detected the specimens at Frankfurt airport with a passenger in transit on his way back to Austria</p>	

[http://www.bfn.de/5117.html?&cHash=5826e28d98&tx_ttnews\[backPid\]=5116&tx_ttnews\[tt_news\]=2574](http://www.bfn.de/5117.html?&cHash=5826e28d98&tx_ttnews[backPid]=5116&tx_ttnews[tt_news]=2574)).

- The run-up of the 15th Conference of the Parties (CoP) of CITES which was convened between the 13th – 25th March 2010 in Doha, Qatar was used by the FANC by means of a press release for raising awareness on the objectives of the Convention in general and on one of the major political issues to be discussed such as the proposed protection of certain marine species under the Convention such as several species of sharks or the blue fin tuna ([http://www.bfn.de/6914.html?&cHash=5f2912b32e&tx_ttnews\[backPid\]=6913&tx_ttnews\[tt_news\]=2949](http://www.bfn.de/6914.html?&cHash=5f2912b32e&tx_ttnews[backPid]=6913&tx_ttnews[tt_news]=2949)).
- The opening of CITES exposition on 25th June 2010 organized between the zoological garden of Munich, the FANC and German customs was used again just before the holiday season to raise awareness on tourist souvenirs made from CITES protected species. The opening was accompanied by a press conference.
- A between Germany's Customs Criminal Investigation Service, Police, Federal and National CITES Authorities co-ordinated law enforcement action in late September 2010 against the illegal trade in rare CITES protected tortoises which ended with the confiscation of 98 extremely rare tortoises resulted on 3rd October 2010 in a common press release between the Customs Criminal Investigation Service and the FANC. The press release triggered a nationwide media response ([http://www.bfn.de/6914.html?&cHash=5ff0b90ad5&tx_ttnews\[backPid\]=6913&tx_ttnews\[tt_news\]=3297](http://www.bfn.de/6914.html?&cHash=5ff0b90ad5&tx_ttnews[backPid]=6913&tx_ttnews[tt_news]=3297)).
- The worldwide dramatic increase in the illegal trade in rhino horns made the FANC to revise and tighten its policy for re-exports for rhino horn. The revision was following similar decisions which other CITES Management Authorities of EU Member States had already previously taken on the same subject. As publicly announced through a press release on 31st October 2010, re-exports will in future only be permitted if the individual rhino horn is of such artistic value that it exceeds its potential value on the illegal medicine market, the item is part of a genuine exchange of cultural goods between reputable institutions (i.e. museums), the item has not been sold and is an heirloom moving as part of a family relocation or the item is part of a bona fide research project ([http://www.bfn.de/6914.html?&cHash=13640ee212&tx_ttnews\[backPid\]=6913&tx_ttnews\[tt_news\]=3379](http://www.bfn.de/6914.html?&cHash=13640ee212&tx_ttnews[backPid]=6913&tx_ttnews[tt_news]=3379)).
- The ZEET as well as WISIA flyers informing about the contents and use of these databases have been updated in both versions, in German and English in 2009/2010.

Please attach copies of any items as Annex.

11

Please provide details of any additional measures taken:

D5 Permitting and registration procedures

1	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?	Yes	<input checked="" type="checkbox"/>			
		No	<input type="checkbox"/>			
		Not applicable	<input type="checkbox"/>			
	If no, please provide details of any:	No information	<input type="checkbox"/>			
Changes in permit format:						
Changes in designation or signatures of relevant officials:						
Within the reporting period 5 changes referring to persons competent to sign CITES documents for Germany were reported to the Secretariat (15.1.2009, 26.8.2009, 16.12.2009, 24.2.2010 and 11.11. 2010). Three new executive officers were authorized to sign documents. Three officers left the authority. Their authorization was therefore withdrawn and their names were deleted from the list. All changes had been notified immediately and original samples of the respective new signatures were provided to the CITES Secretariat.						
2	To date has your country developed written permit procedures for any of the following?	Tick if applicable				
		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"/>		
3	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).					
	2009 Year 1	Import or introduction from the sea	Export	Re-export	Other	Comments
	How many documents were issued?	7,336	1,855	9,037	1,014	see Attachment 7
	How many applications were denied because of severe omissions or miss-information?					no information
	2010 Year 2					
	How many documents were issued?	7,331	1,860	9,497	932	see Attachment 7
	How many applications were denied because of severe omissions or miss-information?					no information
4	Were any CITES documents that were issued later cancelled and replaced because of severe omissions or miss-information?	Yes	<input type="checkbox"/>			
		No	<input checked="" type="checkbox"/>			
		No information	<input type="checkbox"/>			
5	If Yes, please give the reasons for this.					

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.						
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):				See Attachment 8	<input checked="" type="checkbox"/>	
10	If Yes, please provide the amounts of such fees.			See Attachment 8		
11	Have revenues from fees been used for the implementation of CITES or wildlife conservation?			Tick if applicable		
– Entirely:				<input type="checkbox"/>		
– Partly:				<input type="checkbox"/>		
– Not at all:				<input type="checkbox"/>		
– Not relevant:				<input checked="" type="checkbox"/>		
Comments:						
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.						
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) <input checked="" type="checkbox"/> As in previous years during the reporting period in 2009 and 2010 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.							
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"/>	
	Staff of enforcement authorities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	Traders	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	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 Please provide details of any additional measures taken:

1. The CITES Management Authority (MA) of Italy had invited for a workshop on illegal reptile trade in the EU and neighbouring countries. At the meeting which was well attended by representatives from 15 European countries and that took place from **27th – 29th January 2009** in Tarvisio, Italy a representative from Germany's CITES Management Authority gave a presentation on the current situation in Germany.

2. The fact that criminals are using increasingly the world wide web to sell illegally obtained wildlife products lead the CITES Secretariat together with the CITES Management Authority (MA) of Canada to organize a workshop from **24th – 26th February 2009** to discuss wildlife e-trade and cyber-crime. The workshop which was also attended by a representative from Germany's CITES MA produced a document with clear recommendations which lead to an amendment of CITES Resolution Conf. 11.3 on 'Compliance and Enforcement'.

3. Two representatives from the CITES Management Authority of Japan visited during a study tour on **12th of March 2009** Germany's CITES Management Authority at the FANC. The pre-dominant objective of the study tour was to collect information how CITES Article VII (6) on the exchange of scientific specimens between registered scientific institutions is implemented in Germany, both on the regional and on the federal level.

4. From **23rd - 27th March 2009** a representative from Germany's Federal Agency for Nature Conservation CITES Management Authority attended as lecturer on CITES implementation with the European Union a workshop in Prague, Czech Republic On 'Improving Policy, Institutions, Legislation and Practices for Sustainable Use and Conservation of Wildlife Resources'. The predominant objective of the workshop which had been organized by the FAO Regional Office for Europe and Central Asia was to build capacity in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Mongolia, Tajikistan, Turkmenistan and Uzbekistan in applying principles for developing a sound legal basis for sustainable wildlife management and to propose activities that would strengthen policies, institutions and capacities for sustainable wildlife management.

5. From **24th November– 3rd December 2009** two experts from Germany's CITES Management Authority together with representatives from TRAFFIC's Greater Mekong Programme held two training workshops, one in Hanoi and the second in Ho Chi Minh City for Viet Nam's environmental police. One of the objectives was to train 50 selected participants in how to lead their own trainings for other officers in their unit and thereby ensuring a long-term sustainability of CITES enforcement in Viet Nam.

6. During the reporting period Germany contributed again actively to the work of the European Union's Enforcement working group to develop common training materials for customs authorities or law enforcement officials at the various levels. Germany had been asked to take the lead of a subgroup which had been charged to prepare such common training materials for the Member States of the European Union. The training material was finalized in late 2010 and tested successfully in this year during several training workshops within the Community such as in Belgium (**25th - 26th February**), Hungary (**10th – 12th May**), Portugal (**17th – 18th May & 20th – 21st May**), Slovakia (**27th - 28th September**), Czech Republic (**6th – 7th October**), Estonia (**23rd – 25th November**) and Malta (**29th November – 1st December**). Altogether 240 government officials were trained in CITES issues during these eight courses.

7. Since 2004 Germany's CITES Management Authority of the Federal Agency for Nature Conservation (FANC) issues rather regularly an electronic CITES Newsletter ('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 well received and widely acknowledges 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 six newsletters were issued in 2009 and four in total in 2010.

8. In order to assist Parties in the African region to meet their obligations under the objectives of the CITES Strategic Vision the Federal German Government committed from 2008 onwards 10 million € financial support for INTERPOL's 'Operational Assistance, Services and Infrastructure Support (OASIS) Africa programme. The outcome of certain well co-ordinated enforcement actions such as operation COSTA or operation BABA which both resulted in significant confiscations of CITES protected specimens within several African parties was communicated to the participants of the 15th Conference of the Parties to CITES as Inf. Doc. 23 (<http://www.cites.org/eng/cop/15/inf/index.shtml>).

9. In 2010 Germany's Federal Ministry for Environment, Nature Conservation and Nuclear Safety provided funding to enhance implementation and enforcement of wildlife legislation in Gabon. This support allowed the Gabonese authorities to carry out several law enforcement activities, one of which led to a major ape's related arrest and brought three ape dealers behind bars. During a second action, law enforcement officials and representatives from the "Ministère des Eaux et Forêts" (MINEF) arrested five other wildlife dealers in Libreville and confiscated 13 great apes heads, 32 great apes hands as well as 12 leopard skins, parts of a lion skin and 5 elephant tails.

10. Germany's Scientific and Management Authorities are using a scientific information system for international species conservation, 'WISIA' (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 30.000 scientific names, about 50.000 synonyms and 13.000 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 an individual species specific information set. Since 2006 WISIA-online can also be searched for strictly protected native non-CITES species. The legal relevance of the online information system is assured through continuous up-dates by Germany's Scientific and Management Authorities which were particularly labour-intensive in 2010 after the 15th Conference of the Parties due to the many adopted nomenclatural changes of the species listed in the CITES Appendices.

11. Germany's Scientific Authority has developed the database 'ZEET' (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 1,157 import decisions for 600 animal species (data as of 25th January 2011), supplemented by export quotas as officially reported by countries of origin for some 666 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). 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.

12. Germany's Scientific Authority for plants co-organized from 29th September – 2nd October 2010 in Limbe, Cameroon together with ITTO a 2nd CITES/ITTO Africa Regional Workshop which major objective was to ensure that international trade in the African CITES listed tree species *Pericopsis elata* and *Prunus africana* is consistent with sustainability. A further objective of the meeting was to assist national CITES authorities in Africa to allow these to meet the scientific, administrative and legal requirements for managing and regulating trade in *P. elata* from Cameroon, Congo, and the Democratic Republic of Congo (DRC). Recently the program scope has been expanded to include a project to ensure that management of *P. africana* in Cameroon is consistent with CITES provisions and recommendations. In addition the regional workshop further allowed other countries to review their management of this species in relation to the requirements of CITES. Finally activities were discussed how to generate Non-Detriment Finding (NDF) reports for *Pericopsis elata* for the Congo basin as well as for *Prunus africana* for Cameroon.

13. In June 2009, 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 second international training workshop on "Identification of CITES timber species". The workshop which took place in Hamburg/Germany was attended by 25 participants of 10 countries as well as a representative from the Food and Agriculture Organization of the United Nations (FAO). Lectures and practical instructions were given by the international reputable wood anatomist Prof. Dr. G. Koch from the vTI. During the workshop, participants from a wide range of backgrounds, were trained on how to use CD-Rom "**CITESwoodID**" as an aid for the identification of CITES timbers or how to exclude timbers that are not regulated under CITES. In addition several presentations which were given by staff of the University of Hamburg provided the attendants with an overview on different measures how to address illegal logging and associated trade as well as on progress in identifying species and origin of timber by means of DNA analyses and chemical fingerprint methods.

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	If Yes, which agencies are represented and how often does it meet? Species Conservation Advisory Committee for the implementation of CITES 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 th 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 <BMU> 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 rd working period ended in 2007. Since that time the Ministry of Environment, Nature Conservation and Nuclear Safety did not request for a reinstallation of the Species Conservation Advisory Committee for a 4 th working period.																									
3	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):																									
	<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	At the national level have there been any efforts to collaborate with:	<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	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?																									
	<table border="1"> <thead> <tr> <th></th> <th>Tick if applicable</th> </tr> </thead> <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>		Tick if applicable	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"/>							
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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? Tick if applicable</p> <p>Workshops <input checked="" type="checkbox"/></p> <p>Meetings <input checked="" type="checkbox"/></p> <p>Other (specify) <input checked="" type="checkbox"/></p> <p>1. The Head of Germany's CITES Management Authority participated actively with a lecture at the 'International Workshop on Red Coral Science, Management and Trade – Lessons learned from the Mediterranean' held from 23rd – 26th October 2009 in Naples, Italy. Following the commitment given at the 14th Conference of the Parties of CITES, the Italian Government had organized this International Workshop on the Mediterranean Red Coral (<i>Corallium rubrum</i>) jointly with the U.S. Government. Aim of this event, which followed that held in Hong Kong from 16th - 20th March 2009, was to define a management strategy for the Mediterranean Red Coral analyzing the various problems of conservation and the most suitable methods of sustainable harvest (http://coris.noaa.gov/activities/lessons_mediterranean).</p>
7	<p>Has your country encouraged any non-Party to accede to the Convention? 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>
8	<p>If Yes, which one(s) and in what way?</p> <p>During the reporting period delegations from the Committee of Environmental Protection of the Republic of Tajikistan which has been notified as the competent authority to issue comparable CITES documentation visited twice on 9th July 2009 and on 26th November 2010 Germany's CITES Management Authority at the FANC. Delegates were informed on the basic requirements to implement CITES and on the CITES legal implementation framework for the Member States of the European Union. In addition advantages of accession to CITES were discussed in particular with regard to international trade in high prized hunting trophies derived from CITES protected ungulates such as Argali (<i>Ovis ammon</i>), Urial (<i>Ovis vignei</i>), Markhor (<i>Capra falconeri</i>) originating from Tajikistan.</p>
9	<p>Has your country provided technical or financial assistance to another country in relation to CITES? 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	<p>If Yes, which country (-ies) and what kind of assistance was provided?</p> <p style="text-align: center;">See answers given under question D 6 (4)</p>
11	<p>Has your country provided any data for inclusion in the CITES Identification Manual? 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>
12	<p>If Yes, please give a brief description.</p>
13	<p>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 <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>
14	<p>If Yes, please give a brief description.</p>
15	<p>Please provide details of any additional measures taken:</p>

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 Scientific Authorities hiring of more staff and the increase in financial resources remains an issue. These two constraints have impeded the performance of both authorities in the past few years.				
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 type="checkbox"/>
		No		<input checked="" type="checkbox"/>
		No information		<input type="checkbox"/>
7	If Yes, please give a brief description.			
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 see ATTACHMENT 1	Enclosed	<input checked="" type="checkbox"/>
		Not available	<input type="checkbox"/>
		Not relevant	<input type="checkbox"/>
C1	Inspections of traders, producers, markets see ATTACHMENT 2	Enclosed	<input checked="" type="checkbox"/>
		Not available	<input type="checkbox"/>
		Not relevant	<input type="checkbox"/>
C3	Details of violations and administrative measures imposed see ATTACHMENT 3	Enclosed	<input checked="" type="checkbox"/>
		Not available	<input type="checkbox"/>
		Not relevant	<input type="checkbox"/>
C5	Details of specimens seized, confiscated or forfeited see ATTACHMENT 4	Enclosed	<input checked="" type="checkbox"/>
		Not available	<input type="checkbox"/>
		Not relevant	<input type="checkbox"/>
C7	Details of violations and results of prosecutions see ATTACHMENT 5	Enclosed	<input checked="" type="checkbox"/>
		Not available	<input type="checkbox"/>
		Not relevant	<input type="checkbox"/>
C9	Details of violations and results of court actions see ATTACHMENT 6	Enclosed	<input checked="" type="checkbox"/>
		Not available	<input type="checkbox"/>
		Not relevant	<input type="checkbox"/>
D5 (3)	CITES documents issued see ATTACHMENT 7	Enclosed	<input checked="" type="checkbox"/>
		Not available	<input type="checkbox"/>
		Not relevant	<input type="checkbox"/>
D5 (10)	Charges for the issuance of CITES documents see ATTACHMENT 8	Enclosed	<input checked="" type="checkbox"/>
		Not available	<input type="checkbox"/>
		Not relevant	<input type="checkbox"/>
D4(10)	Details of nationally produced brochures or leaflets on CITES produced for educational or public awareness purposes, see ATTACHMENT 9	Enclosed	<input checked="" type="checkbox"/>
		Not available	<input type="checkbox"/>
		Not relevant	<input 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. Amendments, if necessary, shall be considered restrictively on a case by case basis and only in the scope of new decisions or resolutions adopted at a Conference of the Parties.

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 instances where such staff is not only working on CITES matters but likely also on other conservation or non-conservation issues. Hence it is extremely difficult and time consuming to evaluate precisely the time and work input on CITES issues only.

ATTACHMENT 1

(referring to question B 4)

Full text of CITES relevant legislation

(only available in printed version)

ATTACHMENT 2

(Referring to question C 1)

***Details on inspections of traders,
producers and markets carried out
by Germany's 'Länder' Authorities
and other authorities
in 2009 – 2010***

Number of controls carried out in 2009 and 2010

Federal States	2009			2010		
	1)	2)	Σ	1)	2)	Σ
Baden-Württemberg	3)	3)	3)	3)	3)	3)
Bavaria	491	203	694	3)	3)	3)
Berlin	923	56	979	984	53	1,037
Brandenburg	32	17	49	3)	3)	3)
Bremen	65	21	86	3)	3)	3)
Hamburg	43	11	54	3)	3)	3)
Hesse	403	50	453	391	30	421
Mecklenburg- Western Pomerania	3)	3)	3)	3)	3)	3)
Lower Saxony	395	112	507	384	97	481
North-Rhine/ Westphalia	843	230	1,073	813	246	1,059
Rhineland-Palatinate	351	111	462	3)	3)	3)
Saarland	3)	3)	3)	3)	3)	3)
Saxony	305	37	342	3)	3)	3)
Saxony-Anhalt	233	62	295	270	45	315
Schleswig-Holstein	64	21	85	3)	3)	3)
Thuringia	470	48	518	494	50	544

- 1) Regular controls
 2) Controls based on tip-offs
 3) No data

In addition to the controls conducted by the Federal States the Federal Agency for Nature Conservation (FANC) had also undertaken on its own initiative and in its capacity as the CITES Management Authority a few exemplary inspections both at traders premises and at private holders facilities during the reporting period as follows:

- In 2009 a non commercial private breeder who has become part of an international breeding project for *Pyxis planicauda* (App. I) has been inspected by the FANC. Because of the source code F of the specimen to be imported the import permit to this holder had been issued under the condition that every year a status report has to be submitted to FANC to provide research data and information on the welfare of the animals. The situation on the premises of the keeper was very well and the discussion about the project showed an

extremely professional approach and resilient knowledge on keeping tortoises. As result of this expertise in 2010 two new holders in Germany were included in this project under the mentoring of the first keeper.

- In 2010 a special focus of controls was given to caviar (re-)packing plants. Every year it is foreseen that registered plants be at least one time controlled by the local responsible authority and that the results are submitted to the FANC which registers the operations with the CITES Secretariat. Three registered plants in Hamburg and Fulda were inspected by FANC personal in collaboration with the local authority. Main objective of the controls were the bookkeeping, the labelling and the lot-numbering of each caviar charge produced or repacked in the plant. No significant shortcomings were identified during the visits.

- In July 2010 one non commercial hobby breeder of wild cats from different protected species was visited by FANC together with the representative of the local CITES authority after having been invited by the owner of the facility. The breeders aim was concentrated on better collaboration with the authorities and to find out any possibilities to import wild and F sourced specimen of Appendix I and II species for breeding purposes to keep a reserve breeding stock of specimen outside its natural habitat to protect the species. It could be concluded that the holding conditions and the care of the specimen already held in this facility was exceptional well but it had to be admitted that outside already existing EEP Programs run by the EASA there was no possibility seen to establish viable breeding populations through additional imports of new specimen for this breeder.

ATTACHMENT 3

(Referring to question C 3)

***Administrative and criminal offence proceedings
sanctioned by Germany's 'Länder' Authorities
in 2009 – 2010***

Number of administrative offence proceedings and criminal offence

Proceedings sanctioned by 'Länder' Authorities in Germany in 2009/2010

Concluded administrative proceedings				Concluded criminal proceedings		
Federal States	Year	Number	Total fines	Number	Discontinued	Total fines
Baden-Württemberg	2009	1)	1)	1)	1)	1)
	2010	1)	1)	1)	1)	1)
Bavaria	2009	21	855 €	2	1	3,600 €
	2010	1)	1)	1)	1)	1)
Berlin	2009	39	1,275 €	3	2	12,600 €
	2010	43	1,420 €	0	0	0 €
Brandenburg	2009	4	230 €	13	13	750 €
	2010	1)	1)	1)	1)	1)
Bremen	2009	0	0 €	0	0	0 €
	2010	1)	1)	1)	1)	1)
Hamburg	2009	5	1,380 €	0	0	0 €
	2010	1)	1)	1)	1)	1)
Hesse	2009	15	872 €	2	0	11,000 € ²⁾
	2010	14	1,100 €	4	2	1,000 €
Mecklenburg- Western Pomerania	2009	1)	1)	1)	1)	1)
	2010	1)	1)	1)	1)	1)
Lower Saxony	2009	4	4,180 €	4	2	900 €
	2010	3	1,750 €	7	6	500 €
North-Rhine/ Westphalia	2009	69	6,349 €	8	4	6,500 €
	2010	21	1,931 €	5	3	13,100 € ³⁾
Rhineland-Palatinate	2009	13	1,450 €	0	0	0 €
	2010	1)	1)	1)	1)	1)
Saarland	2009	1)	1)	1)	1)	1)
	2010	1)	1)	1)	1)	1)
Saxony	2009	4	608 €	0	0	0 €
	2010	1)	1)	1)	1)	1)
Saxony-Anhalt	2009	7	874 €	2	2	900 €
	2010	5	525 €	5	3	1,700 €
Schleswig-Holstein	2009	0	0 €	0	0	0 €
	2010	1)	1)	1)	1)	1)
Thuringia	2009	10	1,500 €	0	0	0 €
	2010	5	479 €	2	2	800 €

1) - no data

2) - two procedures, in each case sentenced additional to two years imprisonment on probation

3) - in two cases sentenced to two years imprisonment on probation, in one case additional 3 years employment ban (trading with tortoises)

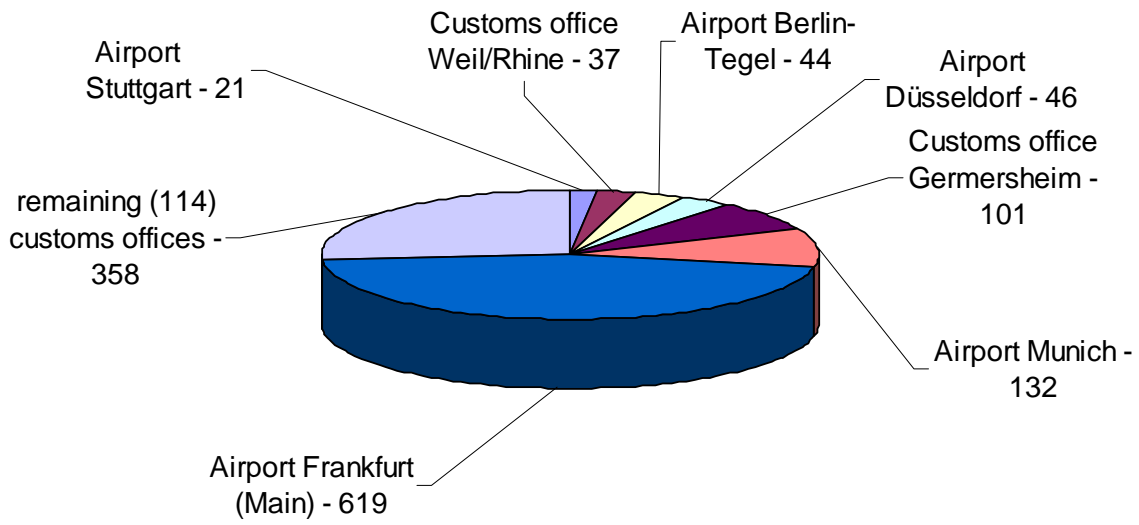
ATTACHMENT 4

(Referring to question C 5)

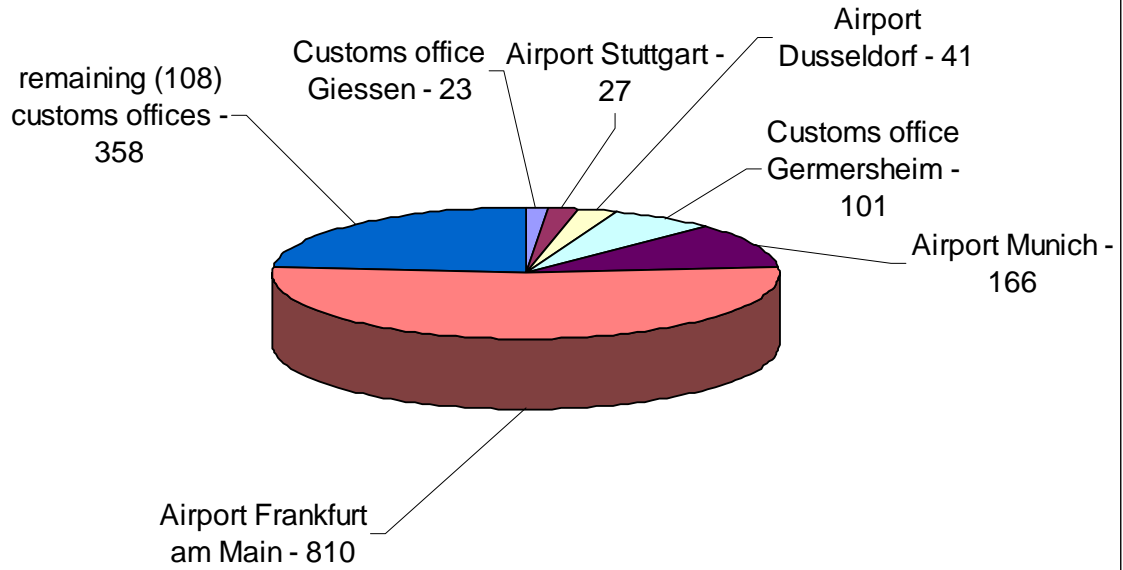
***Details of specimens seized,
confiscated or forfeited
in 2009 – 2010***

Attachment 4.1 Number of confiscations at major German ports of entry in 2009/2010

2009 total 121 customs offices involved



2010 - total 114 customs offices involved



Status : 12.04.2010

Code	Description	Seizure				Cancelled				Confiscation			
		Procedure	no.	kg	1	Procedure	no.	kg	1	Procedure	no.	kg	1
LIA	Live animals	67	2.238	156,00		18	1.911	156,00		39	188		
EGL	Eggs (live)	1	5							1	5		
LIP	Live plants	214	5.129			52	1.960			150	3.137		
TUS	Tusks	4	8			1	1						
IVC	Ivory-carving	42	640			1	19			24	112		
IVK	Ivory-keyboard	4	5			4	5						
TRO, FOO, SKU, TEE, CLA, TAI	Trophies and parts of trophies	56	186			16	68			18	35		
BON, BOC	Bones, Bones-carving	6	27			2	20			1	1		
FEA	Feathers	9	112							6	106		
BOD	Stuffed specimens	89	736	5,20		3	2	5,20		55	401		
CAP	carapaces	5	10							4	7		
COR, COM	Corals,also manufactured	234	6.369	1.574,59		8	4.691	1.140,00		184	1.460	57,00	
SHE	Shells	38	219	125,00						29	178		
HAI	Hairs	13	278			6	107			2	4		
LPL,LPS	Leather products (small/large)	243	520			45	112			135	233		
SKI, SKP	Skins, skin pieces	47	125			17	28			15	29		
GAR	Garments	25	51			11	30			5	9		
CAV	Caviar	38		17,58		4		3,14		26		11,10	
MED, SPE, EXT, OIL,GAL	Medicine; blood tissues, extracts, oil, gall	179	168.920	438,45	105,69	5	3.794	161,81		91	32.920	204,52	1,69
ROO, DPL, COS, POW, WAX	Roots, dried plants, cosmetics, powder, wax	47	85.344	1536,45	8,34	12	34.099	1457,00	1,07	20	336	22,44	7,27
TIM	Cacti-rainsticks	3	3							1	1		
Total	Specimens	1.364	270.925	3853,27	114,03	205	46.847	2923,15	1,07	806	39.162	295,06	8,96

Notes on the confiscations in 2009:

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

Notes on the confiscations in 2009:

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

LIA	Psittaciformes spp. (4, 6), Paleosuchus palpebrosus (5), Chamaleo spp. (2), Testudinidae spp. (24, 601), Trachemys scripta elegans (30), Chrysemys picta (15), Brachypelma spp. (44), Scleropagus formosus (2), Hirudo medicinalis (5, 150kg); Chalcides ocellatus (50, Habitats directive) cancelled : <i>Dendrobates</i> spp. (53), <i>Uromastyx dispar</i> . (200), <i>Iguana iguana</i> (473), <i>Troides</i> spp. (572), <i>Acipenser oxyrinchus</i> (6 kg larvae, app. 1-2cm length);
EGL	Cheloniidae spp. (5)
LIP	Cactaceae spp. (507), Orchidaceae spp. (1.075), Euphorbia spp. (1.505), Nepenthes spp. (10); cancelled : <i>Cactaceae</i> spp.(1), <i>Orchidaceae</i> spp.(1,262), <i>Euphorbia</i> spp. (670);
TUS	<i>Seizure: Loxodonta africana</i> (7, <i>cancelled</i> : 1), <i>Elephantidae</i> spp. (1);
IVC, IVK	<i>Loxodonta africana</i> (102, <i>seized</i> : 595), <i>Elephas maximus</i> (6), <i>Hippopotamus amphibius</i> (2, 18), <i>Odobenus rosmarus</i> (1); cancelled : <i>IVK-Elephantidae</i> spp. (5);
TRO/...	<i>Carcharodon carcharias</i> (TEE-6), <i>Primates</i> spp. (TRO-1, SKU-4), <i>Ursidae</i> spp. (TRO-1, CLA-10), <i>Hippopotamus amphibius</i> (SKU-1, TEE-1), <i>Canis lupus</i> (SKU-1), <i>Felidae</i> spp. (FOO-1, TAI-1), <i>Ovis ammon</i> (SKU-1), <i>Asio otus</i> (TRO-1), <i>Crocodylia</i> spp. (SKU-2), <i>Pristidae</i> spp. (TRO-2); cancelled : <i>Primates</i> spp. (SKU-1), <i>Ursidae</i> spp. (SKU-2), <i>Odobenus rosmarus</i> (TEE-11), <i>Crocodylia</i> spp. (SKU-6; TEE-41); seized : <i>Alopex lagopus</i> (TAI-51), <i>Ceratotherium simum simum</i> (FOO-4).
LPL, LPS	<i>Elephas maximus</i> (LPS-1), <i>Crocodylia</i> spp. (LPL-21, LPS-74; <i>cancelled</i> : LPL-7, LPS-60), <i>Serpentes</i> spp. (LPL-60, 9, LPS-58, 25), <i>Varanus</i> spp. (LPL-5, 4, LPS-11, 2), <i>Tupinambis</i> (LPL-0, 2, LPS-4, 2);
BOD	Cheloniidae spp. (6), Falconiformes spp. (1), <i>Crocodylia</i> spp. (4), <i>Naja</i> spp. (63), <i>Ornithoptera</i> spp. (8, <i>seized</i> : 147), <i>Hippocampus</i> spp.(295, <i>seized</i> : 412), <i>Pandinus imperator</i> (17); cancelled : <i>Anguilla anguilla</i> (5,2 kg smoked eel), seized : <i>Felidae</i> spp. (4).
CAP	Cheloniidae spp. (5), Testudinidae spp. (2);
SKI, SKP	<i>Felidae</i> spp. (SKI-3, SKP-1), <i>Crocodylia</i> spp. (SKI-8), <i>Tupinambis</i> spp. (SKI-5, SKP-1), <i>Serpentes</i> spp. (SKI-1 <i>seized</i> : 47, SKP-4), <i>Varanus</i> spp. (SKI-1),; cancelled : <i>Canidae</i> spp. (SKI-2), <i>Felidae</i> spp. (SKI-2, SKP-2), <i>Ursidae</i> spp. (SKI-4), <i>Equus zebra</i> (SKI-6, <i>seized</i> 12);
SHE	<i>Tridacnidae</i> spp. (145), <i>Strombus gigas</i> (27), <i>Hippopus hippopus</i> (6); <i>Papustyla pulcherrima</i> (1); seized : <i>Haliotis midae</i> (125 kg)
MED, EXT, SPE, OIL	<i>Panthera</i> spp. (MED-40, <i>seized</i> : 1002 pills of <i>P. tigris</i>), <i>Rhinoceros</i> spp. (MED-135), <i>Moschus</i> spp. (MED-249), <i>Hippocampus</i> spp. (MED-39), <i>Saussurea costus</i> (MED-28,240, seized : 57,860), <i>Opuntia</i> spp. (MED-360, EXT-120), <i>Dendrobium</i> spp. (EXT-588), <i>Hoodia</i> spp. (MED-2,464, seized : 95,592); <i>Bulnesia sarmentoi</i> (OIL-190kg), <i>Guaiacum</i> spp. (OIL-10kg); cancelled : <i>Opuntia</i> spp. (EXT-1,200), <i>Pterocarpus santalinus</i> (MED-124.8kg).
FEA	Falconiformes spp. (6), Psittaciformes spp. (36), Phasianidae spp. (50), Phoenicopteridae spp. (9);
BON, BOC	<i>Bubalus arnee</i> (1); seized : <i>Cetacea</i> spp.(BOC-4, BON-1), <i>Odobenus rosmarus</i> (BON-21, <i>cancelled</i> : 20);
CAV	<i>Acipenseriformes</i> spp. (11.1 kg, cancelled : 3.1kg);
GAL	<i>Ursus thibetanus</i> (20g, 20 ampuls)
GAR	<i>Canidae</i> spp. (3, 5); <i>Felidae</i> spp.(6, 14), cancelled : <i>Alopex lagopus</i> (27, Habitats directive);
HAI	<i>Loxodonta africana</i> (3) <i>Lama glama</i> (1); seized : <i>Hystrix</i> spp. (190), <i>Mustela</i> spp. (84);
COS, WAX, ROO, POW, DPL	<i>Euphorbia antisiphilitica</i> (COS-3,600 ml, cancelled 32,943 of 84,133 <i>seized</i> specimens (also 1,457kg) with candelilla wax, also as code 'WAX'), <i>Orchidaceae</i> spp. (COS-324ml), <i>Acipenseriformes</i> spp. (COS-119 PC); <i>Panax</i> spp. (ROO: 20.4 kg, <i>seized</i> : 1,157 PC and 32kg), <i>Aloe</i> spp. (POW-2 kg, seized : DPL-24kg); cancelled : 20kg <i>Vanilla</i> -POW).

Status : 08.04.2011

Attachment 4.3 Information on seizures and confiscations by customs offices in 2010

Code	Description	Procedure	Seizure				Cancelled				Confiscation			
			no.	kg	I	no.	kg	I	no.	kg	I			
BOD	Stuffed specimens	89	10,695		5	77		71	6,822					
BON, BOC	Bones, Bones-carving	7	11					5	8					
CAP, SCA	carapaces, scales	10	34					5	26					
CAR	Tortoiseshell-carving	1	47											
CAV	Caviar	43	87,25		2		69,98	34	13,20					
COR, COM	Coral,also manufactured	280	5,611	547,40	9	4,022		229	1,352	24,94				
DER	Derivatives	2	1	9,00				1	9,00					
EGG	Eggs	2	50		1	40		1	10					
FEA	Feathers	9	204		1	40		7	152					
FRU, FLO	Fruits, Flowers	2	3	0,70				1	0,70					
GAR	Garments	49	58		33	42		10	10					
HAI	Hairs	11	76		1	4		4	5					
IVC	Ivory- carving	37	406		3	82		21	232					
IVK	Ivory-keyboard	2	51		2	51								
IVP	Ivory-pieces	1	1					1	1					
LIA	Live animals	62	519	50,00	13	57		33	315					
LIP	Live plants	315	24,660	125,52	51	23,433	100,00	199	700	25,52				
LPL,LPS	Leather products (small/ large)	300	972		40	440		177	307					
MEA	Meat	2		0,73				2	0,73					
MED, SPE, EXT, GAL	Medicine, blood tissues, extracts, gall	155	35,038	17,01	7	805	5,40	87	15,620	154,30				
ROO, COS, POW, WAX	Roots, cosmetics, powder, wax	23	3,685	77,40	7	3,516	74,70	11	156	2,34				
SAW	Sawn wood	1		28700,00	1		28700,00							
SEE	Seeds	3	410		1	395		1	10					
SHE	Shells	50	705	80,00	3	595		37	88	80,00				
SKI, SKP	Skins, skin pieces	65	443		31	109		18	43					
TIM	Cacti-rainsticks	2	3					2	3					
TRO, FOO, SKU, TEE, CLA, TAI, EAR, HOR, SKE	Trophies and parts of trophies	54	251		14	23		21	189					
TUS	Tusks	5	6		1	2		4	4					
Total	Specimens	1,582	83,940	29695,01	636,62	226	33,733	28950,08	0,02	982	26,053	310,73	130,60	

Notes on the confiscations in 2010:

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

LIA	Psittaciformes spp. (16), Testudinidae spp. (105, incl. 35 Trachemys scripta elegans); Varanus spp. (108), Boidae spp. (99); cancelled: <i>Psittaciformes spp. (6), Testudinidae spp. (24); Boidae spp. (20)</i>
LIP, SEE	Cactaceae spp. (23192, incl. 23001 Opuntia ficus indica, + 100 kg), Orchidaceae spp. (1288 + 15 kg), Euphorbia spp. (124), Didieraceae spp. (12), Liliales spp. (33); cancelled: <i>Cactaceae spp.(23017, incl. 23000 Opuntia ficus indica, + 100 kg), Orchidaceae spp.(302), Euphorbia spp. (70), Didieraceae spp. (12), Aloe spp. (24)</i>
TUS	Elephas maximus (1), Loxodonta africana (4, <i>cancelled: 2</i>)
IVC	Elephantidae spp. (88), Loxodonta africana (277), Elephas maximus (35), Odobenus rosmarus (3), Cetacea spp. (3); cancelled: <i>Elephantidae spp. (81)</i>
LPL, LPS	Anguilla anguilla (LPL-1), Arctocephalus pusillus (3), Loxodonta africana (1), Crocodylia spp. (LPL-67, LPS-280; <i>cancelled: LPL-12, LPS-57</i>), Panthera onca (LPS-4), Serpentes spp. (LPL-297, 220, LPS-200, 149) Varanus spp. (LPL-9, LPS-13) Tupinambis (LPL-8, LPS-21)
TRO, TEE, SKU, CLA, FOO	Crocodylia spp. (TEE-129, 6), Odobenus rosmarus (TEE-6, 1), Ursus arctos (TRO-3, 1), Papio ursinus (TRO-1), Leopardus pardalis (SKU-1), Crocodylia spp. (SKU-12, 2), Cheloniidae spp. (SKU-1); Panthera tigris (CLA-2); Ursus americanus (CLA-8)
BOD	Acinonyx jubatus (2), Lynx rufus (1), Hippocampus spp (10556, 45; 30 <i>Hippocampus reidi</i>), Reptilia spp. (24, Naja naja 82), Lepidoptera (7)
CAP, SCA	Cheloniidae spp. (CAP-4), Stigmochelys pardalis (CAP-4), Cuora spp. (CAP-1), Testudinidae spp. (CAP-3); Arapaimas gigas (SCA-22)
SKI, SKP	Arctocephalus pusillus (SKI-53, 53), Canis lupus (SKI-7, 2), Equus zebra hartmannae (SKI-19, 11; SKP-9, 9), Lutrinae spp (SKI-2), Lynx rufus (SKI-47), Panthera tigris (SKI-1), Pythonidae (SKI-3, 1; SKP-12, 10), Varanus spp. (SKI-6); Alopex lagopus (SKI-160, 12- Habitats directive)
SHE	Tridacnidae spp. (647, 589), Strombus gigas (50, 6), Haliotis midae (8)
MED, EXT, SPE, OIL	Hoodia spp. (MED-2464; 3,8 kg-3,8 kg), Saussurea costus (MED-28058; 8 kg), Panthera pardus (MED-210), Panthera tigris (MED-404), Rhinocerotidae spp. (MED-60), Ursus americanus (EXT-600 gr), Primates spp. (SPE-165)
EGG	Coturnix coturnix (40, 40), Crocodylia spp. (10)
FEA	Psittaciformes spp. (194, 40)
BON	Cetacea spp.(4), Odobenus rosmarus (1), Loxodonta africana (3), Ursidae (2)
CAV	Acipenseriformes spp. (19 kg, 1,72 kg); Polyodon spathula (68,2 kg, 68,2 kg)
MEA	Crocodylia spp. (733 gr)
GAR	Arctocephalus pusillus (1), Lutra lutra (1), Alopex lagopus (53, 42 – Habitats directive)
HAI	Loxodonta africana (8), Hystrix cristata (67, 4)
DER	Hoodia spp. (9 kg)
COS, ROO	Aloe ferox (COS-505,56 l), Saussurea costus (ROO-60 l), Panax quinquefolius (ROO-20 PC, 6,3 kg, <i>cancelled: 4,7 kg</i>), Rauvolfia serpentina (ROO- 70 kg, 70 kg)
SAW, TIM	Dipteryx spp (SAW 28.700 kg, 28.700 kg), Swietenia macrophylla (TIM-2)

Attachment 4.4 Seizures and confiscations by 'Länder' Authorities in Germany in 2009/2010

Number of specimens seized and confiscated by Federal Authorities in 2009 and 2010													
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	2009	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
	2010	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
Bavaria	2009	39	52	33	54	0	0	0	0	44	0	33	1
	2010	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
Berlin	2009	23	22	44	153	0	0	0	0	31	2	475	106
	2010	16	24	69	175	0	0	0	0	122	104	132	104
Brandenburg	2009	11	2	3	1	0	0	0	0	93	53	1	7
	2010	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
Bremen	2009	1	1	3	3	0	0	0	0	0	0	0	0
	2010	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
Hamburg	2009	5	5	0	0	0	0	0	0	diverse	diverse	0	0
	2010	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
Hesse	2009	60	100	27	53	0	0	0	0	11	96	175 ⁴⁾	57 ⁴⁾
	2010	16	37	26	36	0	0	0	0	5	8	5	20
Mecklenburg-Western Pomerania	2009	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
	2010	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
Lower Saxony	2009	23	5	70	19	0	0	0	0	3	0	2 ⁵⁾	0 ⁶⁾
	2010	4	1	182	14	0	0	0	0	28	36	6	546 ⁷⁾
North-Rhine/Westphalia	2009	96	115	91	53	0	0	0	0	30	7	20	21
	2010	94	105	144	205	0	0	0	0	84	36	554	201
Rhineland-Palatinate	2009	72	9	7	4	0	0	0	0	50kg	0	unknown	0
	2010	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
Saarland	2009	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
	2010	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
Saxony	2009	46	19	30	16	0	0	0	0	13	2	3	0
	2010	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
Saxony-Anhalt	2009	11	11	14	11	0	0	0	0	0	0	0	0
	2010	2	1	19	17	0	0	0	0	0	0	0	0
Schleswig-Holstein	2009	0	19	2	8	0	0	0	0	0	0	0	0
	2010	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)	3)
Thuringia	2009	9	5	34	15	0	0	0	0	27	12	5	1
	2010	8	4	29	15	0	0	0	0	15	18	1	10

1) seized specimens,

2) confiscated specimens,

3) no data

4) additional 35,39 kg caviar

5) additional *Gonystylus* spp.: 180 products, 4 millions brushes, 7000m sawn wood, 1636 ledges

6) additional *Gonystylus* spp.: 4 millions brushes, 91 ledges

7) thereof 534 packages capsules with *Hoodia* spp.

ATTACHMENT 5

(Referring to question C 7)

Details of violations and results of prosecutions

Status of confiscations and administrative offence procedures initiated in 2008, 2009 and 2010, mainly resulting from seizures by German customs authorities

Status of procedures (27 th April 2011)	from 2008	from 2009	from 2010
Outstanding procedures	32	49	350
Discontinued by Federal Agency for Nature Conservation	652	951	963
Cautions, in some cases with cautionary fines	147	116	68
Administrative orders imposing a fine	235	204	122
<i>of which: currently being enforced by Federal Agency for Nature Conservation</i>	1	3	3
<i>of which: under appeal</i>	1	8	3
Ongoing investigations into suspected criminal offences	8	15	40
Discontinued by public prosecutors/courts	46	50	32
against payment of a fine (Art. 153a Code of Criminal Procedures)	27	28	12
Orders imposing punishments, sentences	8	12	10
Total procedures	1,128	1,397	1,585

In addition, there are procedures carried out by the German 'Länder' (federal state authorities), see under **Attachment 3 and 4.4**

ATTACHMENT 6

(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:

Elephant Ivory:

Several seizures of elephant ivory have been conducted by the German authorities. Around 50 % of the seized shipments had been sent from Western and Central African countries with China as the country of destination. These shipments contained smaller raw parts of ivory (up to 2 kg per part) as well as many of ivory carvings. Most of the shipments were intercepted in postal or express courier parcels with no sender information on the parcel but only a P.O. Box address. In most of the other cases private persons had been involved who were coming back from trips to Western and Southern African countries and carrying the specimens in their personal luggage. It is worth mentioning that some of the shipments have been detected by dogs which had been specifically trained on the detection of specimens of protected species.

Ramin

Experts in the identification of timber species discovered paint-brushes made from Ramin which had been offered in retail shops. Only after these brushes had been seized the importing company became aware of the requirements of a CITES export document and an EC import permit for the importation of brushes which had been manufactured from Ramin. Hence, the company immediately stopped any further sale from their stocks and applied for import permits regarding a container with Ramin brushes which was already en route from India. The company was very supportive in explaining and uncover the actual facts. The investigations revealed finally that since several years already and until May 2009 the German company had imported Ramin brushes from India without any CITES documents. Brushes were processed in India from timber which had been legally exported from Malaysia and Malaysia had reported on these legal exports of 'timber pieces' since 2005. Hence all the remaining stockpiles (about 4 million brushes) were seized and confiscated.

The company was fined with 305,000 € for unlawfully importing Ramin brushes (negligent infringement) since 2006.

A similar incident happened with another company which was dealing with cosmetic brushes also made of Ramin. Those brushes were processed in Japan, re-exported without any documents to Canada and from there distributed worldwide, amongst others to the EU, again without any documents. Originally that timber was legally exported from Malaysia to Japan. About 6700 brushes could be taken off the German market and were confiscated. The company was fined with 120,000 € for the illegal import of around 500 brushes directly to Germany and the trading of around 95.000 brushes in the years 2006 till 2009.

The administrative fines in both cases were higher than the maximum fine set out by law. This is due to the 'absorption of the economic benefit', gained by infringements, which allows exceeding the maximum fine. The final decisions were accepted by both companies and no further legal action was required.

Sea turtles

The German customs authorities seized and confiscated 5 live eggs from a loggerhead turtle, *Eretmochelys imbricata* illegally imported from the Seychelles. These eggs were immediately put in an incubator and shortly after 5 young turtles hatched. Due to the knowledge and great experience available at the rescue centre all hatchlings survived. In cooperation with the CITES Management Authority of the Seychelles the reintroduction to the wild was organized and finally undertaken in December 2009. The importer was taken to court and fined. Besides this extraordinary case parts and derivatives of sea turtles are still regularly seized. In most cases such items had been imported by tourists coming back from Southeast Asia or items made of tortoise shell had been shipped in postal packages.

Tortoises

As a result of an extensive focused review of the book-keeping data held by regional CITES Management Authorities several investigations regarding the trade in rare tortoise species were undertaken in 2010. As a result in autumn 2010 several private households were searched by the German authorities. In a first step these investigations led to the seizure of 98 specimens of rare tortoises such as *Astrochelys yniphora* (5 specimens), *Astrochelys radiata*, *Malacochersus tornieri*, *Pyxis arachnoides* and *Testudo kleinmanni*. During the ongoing investigation several more specimens (e. g. 25 *Testudo kleinmanni*) could be seized. The investigations are still ongoing.

Furthermore 7 live specimens of *Testudo hermanni* had been seized by the German authorities when they checked a private person travelling from Bosnia Herzegovina to Germany. Inside of the car these tortoise which had been wrapped with adhesive tape were hidden in cooling bags. The importer was fined with 4500 €

Another tortoise keeper and breeder had been sentenced to 2 year imprisonment on probation because of the illegal trade in specimens of highly protected tortoises such as *Testudo hermanni*. In addition 39 live specimens of *Testudo hermanni* could be seized and confiscated.

Another German person who had also been dealing with reptiles was deeply involved in the illegal collection and selling of European reptiles and amphibians. After a long lasting investigation this person was sentenced to 2 years imprisonment on probation and a fine of 9000 €. In addition the court sentenced him with a three years ban of dealing with protected animals.

Monitor lizards

In a case which involved two specimens of live Spencer's Monitor *Varanus spenceri* the keeper of the specimens had registered the specimens at his local CITES authority as captive bred specimens. However, because of the rarity of the species in trade (i. e. no trade available at UNEP-WCMC), the local authority instituted a procedure. Thorough investigations revealed that the documents presented as prove of a legal breeding stock were falsified. Hence, all specimens were immediately seized and confiscated.

Birds of prey

After a long lasting investigation a German trader in birds of prey had been sentenced to 28 months imprisonment. The investigations had been started in 2005. Nearly 150 certificates which had been issued by the local authority and based on wrong information were finally withdrawn and declared as being void. Furthermore, the responsible officer at the local authority in charge of issuing such documents had been sentenced to 22 months imprisonment on probation. This case turned out to be closely linked to investigations undertaken in other EU Member States.

Skins

Regularly skins of CITES protected animals and products made thereof are seized and confiscated at German border points. These seizures affect specimens which are either destined for Europe or in transit to other Non-EU-countries such as Russia and China. The skins which are mostly involved originated frequently from spotted cats such as *Panthera onca*, *Panthera pardus*, *Panthera tigris* or *Acinonyx jubatus* but also from wolves (*Canis lupus*). In addition quite regularly skins and products made from strictly protected reptiles such as *Varanus bengalensis* or *Crocodylus siamensis* and others had been seized by German customs authorities.

Rhino horn

One horn (5.4 kg) from a white rhinoceros *Ceratotherium simum* was seized at a German airport. The horn had been transported in crew luggage. The country of destination for the horn had been China.

Traditional Medicine

Several shipments of traditional medicine such as pills, plasters or capsules were seized, mostly containing protected plants but also parts from tigers, musk deer or rhinoceroses. Most of the shipments were sent by mail or via fast parcel services.

- **Examples of fines imposed in other sectors:**

- Import of one skull of *Panthera pardus*, mounted on a wooden plate 900,- €
- Import of two live *Testudo graeca* 1,500,- €
- Import of 1 carved ivory tusk 5,000,- €
- Import of 200 kg of seeds from *Araucaria araucana*, sentenced in 2009: 15,000,- and 10,000,- €
- Import of 22 live *Python regius* from USA 1,200,- €
- Import of 44 live bird spiders (*Brachypelma* spp.) from Switzerland 1,000,- €
- Handbag made of *Crocodylus acutus* 1,500,- €
- Import of 5 live eggs and 5 dead baby tortoises of *Cheloniidae* spp. 5,000,- €
- Import of a skin of *Lynx lynx* mainly because of tax offence: 2,500,- €

- Import of the saw of *Pristidae* spp. 1,500,- €
- Trading with reptile handbags 6 months on probation and 6,000,- €
- Trading with powder of *Hoodia gordonii* amounting to 25,550 € 4,000,- €
- Trading with 14 handbags and 1 carapace (reptiles App. A),
and furniture made of Rio-Palisander 3,200.- €

2. Administrative offence procedures

In addition to charges filed 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 prosecutor to the BfN for an administrative offence procedure:

- Import and trading of around 12 million paint brushes made of Ramin 305,000,- €
- Trading of 95.000 and direct import of 500 cosmetic brushes made of Ramin 120,000,- €
- Import of caviar up to 2,000,- €
- Import of *Testudo graeca* up to 2,000,- €
- Import of 2 skins of *Lynx lynx* 2,000,- €
- Import of a wolf skin (*Canis lupus*) 1,000.- €
- Import of 6kg of *Alauda arvensis* for consumption,
protected under the EU Birds Directive, shipped from Romania via Munich (DE) to Italy: 1,500,- €

ATTACHMENT 7

(Referring to question D 5 (3))

***Number and type of CITES documents issued
by the
Federal Agency for Nature Conservation
in 2009-2010***

**Breakdown of import and export documents and certificates issued by
the Federal Agency for Nature Conservation pursuant to
Regulation (EC) No. 338/97 from 1st January 2009 to 31st December 2010**

	2009	2010
Import permits	7,336	7,331
of which for Annex A species	655	495
of which for Annex B species	6,681	6,836
Export permits	1,855	1,860
Re-export certificates*	13,213	12,420
Combined permits**	255	173
Other import documents***	759	759
Permits granting exemptions under the Habitats Directive and Birds Directive	30	58
Total documents	23,448	22,601

* Including documents under the simplified procedure according to Art. 19 Commission Regulation (EC) No. 865/2006

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

*** Import notifications for specimens listed in Annexes C and D as well as import clearances under concessionary conditions for personal effects in accordance with Art. 57(3) Commission Regulation (EC) No. 865/2006

ATTACHMENT 8

(Referring to question D 5 (10))

Charges for the issuance of CITES documents

Living specimens	Fee
Import permit	41.- €
Export permit	21.- €
Re-export certificate	25.- €
Personal ownership certificate	30.- €
Travelling exhibition certificate	50,-€
Dead specimens, parts and derivatives	
Import permit	16.- €
Export permit	12.- €
Re-export certificate	12.- €
Travelling exhibition certificate	50,-€
Sample collection certificate accompanied by ATA carnet	20.- €
General	
Licensing and registration of (re-)packaging caviar plants	500,-€
Negative certificate ('To Whom It May Concern')	13.- €
Blank forms for registered propagation units	6.- €

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 on Fees 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.

ATTACHMENT 9

(Referring to question D 4 (10))

***Nationally produced brochures or leaflets
on CITES
for educational or public awareness purposes***


Nationally produced brochures or leaflets on CITES

During the reporting period several new leaflets about CITES and general species conservation were produced by Germany's Management Authority of the Federal Agency for Nature Conservation (FANC).

In order to promote the objectives of the Convention among tourists the FANC undertook in 2009 a common venture with one of the leading tour operators in Germany, the TUI company. The promotion of CITES was among others undertaken through a very wide distribution of various leaflets produced in different languages (see **Attachment 9.1**) and advertisements of CITES in the tour operators catalogues.


For future awareness raising activities about CITES at public events such as expositions in schools, zoological and botanical gardens or trade fairs the FANC had commissioned a series of new exposition boards (see **Attachment 9.2**). The 13 new boards addressing CITES trade commodities such as ivory, reptile leather, invertebrates, furs, succulents and orchids, caviar or traditional Chinese medicine were first shown to the public in early 2009.

Attachment 9.1 One of the several FANC/TUI leaflets issued during the reporting period 'TUI's little guide to preserving species' (in German: ,Der kleine TUI Artenschützer')




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E-Mail tui-environment@tui.com
www.tui-sustainability.com


We are grateful to the Education and Science Centre of the Bundesforstverwaltung in Münster and Kurumathi Biostation (Rasdhoo Atoll, Maldives) for providing some of the illustrations.



TUI's Little Guide to Preserving Species
Fair Souvenirs and Biodiversity



Buying ill-considered souvenirs or removing specimens from the wild poses a threat to natural diversity. The Convention on International Trade in Endangered Species (CITES) protects rare species by restricting and prohibiting imports and exports of live animals and plants and any products derived from them. In Europe, violations incur a big fine and in some cases prison.



National CITES authorities:

- Austria: www.cites.at
- Canada: www.cites.ca
- China: www.cites.gov.cn
- Denmark: www.cites.dk
- Finland: www.environment.fi/cites
- France: www.ecologie.gouv.fr
- Germany: www.bfn.de
- Great Britain: www.defra.gov.uk/animalhealth/cites
- Netherlands: www.science.naturalis.nl/cites
- Poland: www.mos.gov.pl/cites-ma
- Sweden: www.jordbruksverket.se
- Switzerland: www.cites.ch





www.cites.org
www.bfn.de
www.tui-sustainability.com

TUI TIP Our Souvenir Guide offers you tips for sustainable holiday memories. You can do more to contribute to the protection of nature and species in your holiday destination: Give priority to sustainable excursions and look out for environment-friendly accommodation in our TUI brochures.

TUI is a founding member of the Business and Biodiversity Initiative of the German Federal Ministry for the Environment



For more information, please go to:
www.business-and-biodiversity.org



Mit dem Kauf fairer Souvenirs leisten Sie einen Beitrag zum Natur- und Artenschutz in Ihrem Urlaubsland. Gleichzeitig unterstützen Sie das lokale Handwerk und tragen zur nachhaltigen Entwicklung der Region bei!




Der kleine TUI Artenschützer
Faire Souvenirs und Artenschutz



Lieber TUI Gast!

Sie verbringen die schönste Zeit des Jahres in einem Urlaubsgebiet mit außergewöhnlicher Artenvielfalt. Werden Sie ein TUI Artenschützer und helfen Sie mit, dieses Urlaubsparadies zu erhalten. Anbei erhalten Sie Tipps, welche Souvenirs Sie bedenkenlos kaufen können.





www.cites.org
www.bfn.de
www.artenschutz-online.de

Unbedachter Souvenirkauf oder die Entnahme aus der Natur gefährdet den Artenreichtum unserer Natur. Das Washingtoner Artenschutzabkommen (CITES) schützt vom Aussterben bedrohte Tier- und Pflanzenarten, indem es die Ein- und Ausfuhr von Tieren und Pflanzen sowie von Produkten aus diesen stark einschränkt oder sogar ganz verbietet. Ein Verstoß wird in Europa (durch den Zoll) mit einem Bußgeld von bis zu 50 000 Euro oder in schweren Fällen mit Freiheitsstrafe verfolgt.




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Wir bedanken uns beim Biologischen Staatsschäfermuseum der Bundesforstverwaltung in Münster und der Curatorin Biostation Rasdhoo Atoll, Maldiven für die Herstellung einiger Abbildungen.





Viele Tier- und Pflanzenarten sind durch die Zerstörung der Lebensräume und den internationalen Handel gefährdet. Deshalb wurde 1973 das „Washingtoner Artenschutzübereinkommen“ (kurz CITES) geschlossen.

**ARTENSCHUTZ GEHT JEDEN AN
VIELE TIERE UND PFLANZEN
SIND GESCHÜTZT**

Es schützt derzeit etwa 7.000 Tier- und 28.000 Pflanzenarten. Geschützt werden nicht nur lebende Tiere oder Pflanzen, sondern auch für alle Produkte, die aus ihnen hergestellt werden.

Die Europäische Union hat CITES durch zwei Verordnungen in EU-Recht umgesetzt. Diese Bestimmungen gehen erheblich weiter als die Bestimmungen von CITES und regeln neben der Ein- und Ausfuhr auch den Handel innerhalb der EU.

**ARTENSCHUTZ GEHT
JEDEN AN**



www.cites.bfn.de

**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.

EU – Regulation (EC) No. 338/97 Biennial Report Format 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 ¹ ?						
	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 Attachment 10					
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 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"/>			
	Please provide details if available: revised version of the Federal Nature Conservation Act see Attachment 1						
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): see Attachment 10						

¹ 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 Attachment 6 .	
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 Attachment 10 .	
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"/>

Comments:

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 14th CoP to CITES to nationally implement the recommendations contained in the action plan.

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).

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.

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:

- to improve overall inter-agency cooperation;
- to collect and distribute relevant information;
- to identify enforcement priorities;
- to coordinate public relation activities; and
- to control and coordinate adequate training activities.

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 in 2009 and 2010 tropical timber, rare species of tortoises and certain birds of prey (see details, already reported under C 17 of part I).

21 new	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.) If yes, please provide details.	Yes No No information	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
<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. 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"/>
<p>Comments:</p> <p>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.</p> <p>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.</p>		
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"/>
<p>Comments:</p> <p>- 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 25th – 28th May 2009 and 30th August – 3rd September 2010 respectively.</p> <p>- During the reporting period 2 seminars for local management and enforcement authorities (15th-17th September 2009 and 17th – 19th November 2010) were held by the CITES Management Authority of the Federal Agency for Nature Conservation at the Species Conservation Centre of North-Rhine/Westphalia at Metelen. The objectives of both seminars were mainly to understand the systematic 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 follow up procedures after confiscations such as hearings, writing of penalty notice, objection and court proceedings were practiced on simulated case studies.</p> <p>- Again as during the previous reporting period a special training focus had been laid on teaching various regional CITES Management and Enforcement Authorities of the 'Länder' in Germany. Altogether 7 such seminars were held in 2009 and 2010, i.e. in Northrhine-Westphalia (2), Rhineland-Palatinate (2), Saxony (2) and one in Bavaria. All of which were focusing on the basic legal provisions of international species conservation legislation, on trends of confiscations and specific responsibilities of Germany's regional CITES Management Authorities.</p> <p>- 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.</p>		
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. In addition in 2010 the CITES enforcement agencies put a special focus on the check of reptile breeders specialized in tortoises. The successful special investigation which resulted in the seizure of several extremely rare tortoises (see also Part 1 question D 4(10)) was carried out by local authorities in close cooperation with the German customs authority and the CITES Management Authority of the FANC.</p> <p>Furthermore, an overview about details on inspections by Germany's 'Länder' Authorities has been provided in Attachment 2 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 IIIh.)</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 IIIi.)</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>The long-term repatriation of confiscated CITES-listed animals will be handled on a case-by-case basis. Such a repatriation case of five live loggerhead turtles to the Seychelles which had hatched from eggs confiscated in transit at Frankfurt-Airport was undertaken in December 2009 with close collaboration with the CITES Authorities of the government of the Seychelles (see also Part 1 question D 4(10)).</p> <p>A number of public facilities like Zoos or botanical gardens are 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 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>	

	Comments: Competent contact agencies were notified accordingly to other Member States.
--	---

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 IIIl.)	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 (see details reported under question D 6(4) of Part 1).				

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 none 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? – Annex D listed species – Other matters not reported on in question D4 (1) (please specify)	Tick if applicable <input checked="" type="checkbox"/> <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. See answer in Part 1 question B 2.	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, Art. 19 ComR 865/2006 pre-issued documents have been used as simplified procedures for (re-)exports of snake venom from <i>Daboia russeli</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).	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>
16 new	Have scientific institutions been registered in accordance with Article 60 of Commission Regulation (EC) No. 865/2006? If yes, please provide details: The application of Art. 60 rests 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: http://www.cites.org/common/reg/e_si.html	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> No information <input type="checkbox"/>

17 new	Have breeders been approved in accordance with Article 63 of Commission Regulation (EC) No. 865/2006? If yes, please provide details.	Yes No No information	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
18 new	Have caviar (re-)packaging plants been licensed in accordance with Article 66 (7) of Commission Regulation (EC) No. 865/2006? If yes, please provide details: During the reporting period the list of German caviar processing and (re-) packaging plants had been revised. See following: http://www.cites.org/common/resources/reg_caviar.pdf	Yes No No information	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
19 new	Are phytosanitary certificates used in accordance with Article 17 of Commission Regulation (EC) No. 865/2006? If yes, please provide details. 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: http://www.cites.org/common/directy/e_directy.html	Yes No No information	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
20 new	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? If yes, please provide details: There was one case with regard to a retrospective issued export permit (A-304/09) to Switzerland for smoked eels which were acquired as pre-Convention specimens.	Yes No No information	<input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

D8 Areas for future work

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

ATTACHMENT 10

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.
- 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 1st 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, sparrowhawk, 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 25th February 2005. For those, the ban will only come into effect ten years later, i.e. on 31st 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

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 selected animal husbandry expertises prepared by German Federal Authorities

1. BMELV Guidelines for keeping, training and using animals in circuses or similar establishments (**Circus Animals**), 15th October 1990
2. 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, 24th October 2000
3. BMELV minimum requirements on “Species-appropriate keeping of birds” on minimum requirements for the keeping of **Birds of Prey and Owls**, 10th January 1995
4. BMELV minimum requirements on “Species-appropriate keeping of birds” on minimum requirements for the keeping of **Parrots**, 10th January 1995
5. BMELV minimum requirements for accommodation of **Mammals** in accordance with animal protection principles (zoo directors’ expertise), 10th June 1996
6. BMELV minimum requirements for the keeping of **Small Birds** (Part 1, **Seed Eaters**), 10th July 1996
7. Minimum requirements of the Federal Agency for Nature Conservation for the keeping of **Hwamei, Silver-eared Mesia, Pekin robin** and **Mynah bird**, 31st August 2000
8. BMELV minimum requirements on “Species-appropriate keeping of terrarium animals” on minimum requirements for the keeping of **Reptiles**, 10th January 1997
9. Minimum requirements of the Federal Agency for Nature Conservation for the accommodation of **Pandinus** species (giant scorpions) by wholesalers and private owners, 24th June 1997
10. 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
11. Minimum requirements of the Federal Agency for Nature Conservation for the accommodation of **Brachypelma** species (American genus of tarantulas) by wholesalers and private owners, 3rd 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 5th 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 22nd 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 1st 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 1st 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 25th 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, commercial or habitual import, export or re-export or marketing	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 import, export or re-export or marketing of species in Annex A to the Regulation or of other strictly protected species	Imprisonment of up to five years or fine
Art. 71 para.3 and Art. 69 para.4 nos.1 and 2 of the Federal Nature Conservation Act	Deliberate, illegal commercial or habitual import, export or re-export or marketing of species in Annex A to the Regulation or of other strictly protected species	Imprisonment of at least three months but not exceeding five years

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.