

# FEDERAL LAW GAZETTE

## FOR THE REPUBLIC OF AUSTRIA

Year 2006

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Part I

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**29th Federal Law: Amendment to the Species Trade Act**

*(NC: Legisl.Period XXII Gov. Bill 1115 OJ 1177 p. 127. FC: OJ 7432 p. 728.)*

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### **29th Federal Law amending the Species Trade Act**

The National Council decided:

The Austrian Federal Law regulating the Trade in Specimens of Wild Animals and Wild Plant Species (Species Trade Act – ArHG), Federal Law Gazette I No 33/1998, in the version of Federal Law Gazette I No 108/2001, shall be amended as follows:

*1. § 1 shall read:*

**“§ 1.** For the purposes of this Federal Law:

1. “Regulation (EC) No 338/97” shall mean the Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, OJ L 61 of 03/03/1997, p.1,
2. “Implementation Regulation” shall mean Regulation (EC) No 1808/01 laying down detailed rules concerning the implementation of Council Regulation (EC) No 338/97 on the protection of species of wild fauna and flora by regulating trade therein, OJ L 250, of 19/09/2001, p.1, and
3. “holder” shall mean the person who possesses, or has actual control of, a specimen for the purposes of Regulation (EC) No 338/97.”

*2. In § 5 the wording “Who possesses, or has actual control of, a specimen for the purposes of Regulation (EC) No 338/97” shall be replaced by the wording “The holder of a specimen”.*

*3. § 6 (2) shall read:*

“(2) The Federal Minister for Agriculture, Forestry, Environment and Water Management shall, by ordinance, identify those species that require marking in the case of import, export or transit as well as in the case of transport and trade. Moreover, he shall lay down provisions providing for exemptions from the duty of marking and shall specify the marking methods to be applied to the individual species. In this, due consideration shall be given to the latest state-of-the-art of biological and veterinary research and it shall be ensured that the respective method constitutes the smallest possible intervention into the bodily integrity and the well-being of the species.”

*4. § 6 (4) shall read:*

“(4) Marking shall be undertaken by a person specifically authorised by the management authority by decree according to para. 5 or by a veterinary. The holder of the specimen shall bear the cost of the marking and shall provide any required support. If the marking method of photo documentation is applied, the marking shall, according to the ordinance provided for in para. 2, be undertaken by the holder.”

*5. § 6 (6) shall read:*

“(6) Except in the case of photo documentation, the holder of the specimen shall prepare records about the process of marking. The marking records shall be confirmed by the person undertaking the marking. In the case of an application for a permit or for issuance of a certificate according to Regulation (EC) No 338/97 the marking records shall be communicated to the management authority for entry of the data into the central register. The form and contents of the marking records shall be laid down in the ordinance provided for in para. 2.”

*6. § 6 (7) shall be deleted.*

*7. In § 12 (5) the following sentence shall be added:*

“The customs authorities and customs offices shall furthermore cooperate in the execution of the bans and restrictions provided for in Art. 8 of Regulation (EC) No 338/97.”

*8. In § 2, paragraphs 1 and 2; § 3, para. 1; § 6, para.1; § 8, para. 3; § 11, and in § 12, paragraphs 1 and 2, the wording “Federal Minister for Economic Affairs” (“Bundesminister für wirtschaftliche Angelegenheiten”) shall each time be replaced by the wording “Federal Minister for Agriculture, Forestry, Environment and Water Management”.*

*9. § 12 (9) shall read:*

“(9) The Federal Minister for Agriculture, Forestry, Environment and Water Management shall reach the agreement with

1. the Federal Minister for Finances with respect to the execution of Art. 12, para. 4 and 5, of Regulation (EC) No 338/97 and
2. the Federal Minister for Transport, Innovation and Technology with respect to the execution of Art. 7(4) of Regulation (EC) No 338/97 and with respect to Art. 30 of the Implementation Regulation.”

*10. In § 13 the following para. 5 shall be added:*

“(5) Where this Federal Law makes reference to Regulations of the European Community the latter shall be applied as applicable.”

**Fischer**

**Schüssel**