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Subject:	COMMISSION REGULATION (EU) .../... of XXX amending Council Regulation (EC) No 338/97 to reflect amendments to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) adopted at the 20th meeting of the Conference of the Parties and other amendments agreed by the Scientific Review Group

Delegations will find attached document D113332/3.

Encl.: D113332/3



EUROPEAN
COMMISSION

Brussels, XXX
D113332/3
[...] (2026) XXX draft

COMMISSION REGULATION (EU) .../...

of XXX

amending Council Regulation (EC) No 338/97 to reflect amendments to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) adopted at the 20th meeting of the Conference of the Parties and other amendments agreed by the Scientific Review Group

COMMISSION REGULATION (EU) .../...

of **XXX**

amending Council Regulation (EC) No 338/97 to reflect amendments to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) adopted at the 20th meeting of the Conference of the Parties and other amendments agreed by the Scientific Review Group

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EC) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein¹, and in particular Article 19(5) thereof,

Whereas:

- (1) Regulation (EC) No 338/97 regulates trade in animal and plant species listed in the Annex to that Regulation. The species listed in that Annex include the species set out in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora ('the Convention') as well as species whose conservation status requires that trade from, into and within the Union be regulated or monitored.
- (2) At the 20th meeting of the Conference of the Parties to the Convention, held in Samarkand, Uzbekistan, from 24 November to 5 December 2025 (CoP20), amendments were made to [the Appendices] to the Convention. Those amendments should be reflected in Regulation (EC) No 338/97.
- (3) The following species were included in Appendix I to the Convention and should be included in Annex A to Regulation (EC) No 338/97: *Okapia johnstoni*, *Sporophila maximiliani*, *Caribicus warreni*, *Bitis harena*, *Bitis parviocula*, and *Jubaea chilensis*.
- (4) The following taxa were transferred from Appendix II to Appendix I to the Convention and should be deleted from Annex B to Regulation (EC) No 338/97 and included in Annex A to that Regulation: *Amblyrhynchus cristatus*, *Conolophus* spp., *Mobula* spp. (to be included in Annex A as *Mobulidae* spp.), *Rhincodon typus*, *Cercocebus chrysogaster*, currently included in the higher taxon *Primates* spp. in Annex B, *Gyps africanus* and *Gyps rueppelli*, currently included in the higher taxon *Falconiformes* spp. in Annex B, *Kinixys homeana*, currently included in the higher taxon *Testudinidae* spp. in Annex B, *Carcharhinus longimanus*, currently included in the higher taxon *Carcharhinidae* spp. in Annex B, *Euphorbia bupleurifolia*, currently included in the higher taxon *Euphorbia* spp. in Annex B, and *Avonia quinaria*, currently included in the higher taxon *Avonia* spp. in Annex B (to be included in Annex A as *Anacampseros quinaria*).
- (5) The following taxa were transferred from Appendix I to Appendix II to the Convention and should be deleted from Annex A to Regulation (EC) No 338/97 and included in Annex B to that Regulation: *Arctocephalus townsendi* (to be included in

¹ OJ L 61, 3.3.1997, p. 1.

Annex B under the listing for *Arctocephalus* spp.) and *Podocarpus parlatoresi* (with annotation).

- (6) The following taxa were included in Appendix II to the Convention and should be included in Annex B to Regulation (EC) No 338/97: *Gazella dorcas*, *Hyaena hyaena*, *Choloepus hoffmanni*, *Choloepus didactylus*, *Bycanistes* spp., *Ceratogymna* spp., *Sporophila angolensis*, *Sporophila atrirostris*, *Sporophila crassirostris*, *Sporophila funerea*, *Sporophila nuttingi*, *Phyllurus amnicola*, *Phyllurus caudiannulatus*, *Pelophylax epeiroticus* (with delayed implementation), *Pelophylax lessonae* (with delayed implementation), *Pelophylax ridibundus* (with delayed implementation), *Pelophylax shqipericus* (with delayed implementation), *Galeorhinus galeus* (with delayed implementation), *Mustelus* spp. (with delayed implementation), Centrophoridae spp. (with delayed implementation), *Holothuria lessoni* (with delayed implementation), *Grammostola rosea*, *Commiphora wightii* (with new annotation #19). Certain amendments to the Appendices to the Convention provide for a delayed entry into effect as decided by the Conference of the Parties, in order to allow Parties to prepare for their implementation. Those taxa should therefore be included in Annex B with the same deferred application dates.
- (7) The following taxa were also included in Appendix II to the Convention, but are included in the higher taxon in Annex B to Regulation (EC) No 338/97: *Beaucarnea hookeri* and *Beaucarnea glassiana* were included in the listing of the genus *Beaucarnea* spp., and *Aloe bergeriana*, *Aloe jeppeae*, *Aloe subspicata* and *Aloe welwitschii* were included in the listing for *Aloe* spp.
- (8) The following species was deleted from Appendix I to the Convention and an annotation indicating its exclusion from Annex A to Regulation (EC) No 338/97 should be added to the listing for *Neomonachus* spp.: *Neomonachus [Monachus] tropicalis*.
- (9) The following taxon was deleted from Appendix II to the Convention and should be removed from Annex B to Regulation (EC) No 338/97: *Damaliscus pygargus pygargus*.
- (10) The following taxa, which were so far listed in Appendix III to the Convention and in Annex C to Regulation (EC) No 338/97, should be deleted from that Annex following their inclusion in Appendix II to the Convention at CoP20: *Gazella dorcas*, *Hyaena hyaena*. Following the inclusion of *Phyllurus amnicola* and *Phyllurus caudiannulatus* in Appendix II to the Convention, an annotation indicating the exclusion of these taxa from the listing of *Phyllurus* spp. in Annex C to Regulation (EC) No 338/97 should be added.
- (11) The interpretation section of the Appendices to the Convention was amended, and a number of annotations relating to several taxa included in those Appendices were adopted or amended at CoP20, which need to be reflected in the Annex to Regulation (EC) No 338/97.
- (12) In particular, the following annotations were included in the Appendices to the Convention:
 - An annotation for *Glaucostegus* spp.;
 - An annotation for Rhinidae spp.;
 - An annotation for *Commiphora wightii*;
 - An annotation for *Podocarpus parlatoresi*.

- (13) Moreover, the following annotations were amended in the Appendices to the Convention:
- The annotation for *Saiga tatarica* (population of Kazakhstan);
 - The annotation A11 for *Loxodonta africana* (populations of Botswana, Namibia, South Africa, Zimbabwe);
 - The annotation #4;
 - The annotation #10 for *Paubrasilia echinata*.
- (14) It is therefore necessary to amend note 12 of the notes on interpretation of Annexes A, B, C and D in the Annex to Regulation (EC) No 338/97, to reflect the changes adopted at CoP20.
- (15) With regard to the annotation for *Saiga tatarica* (population of Kazakhstan), certain elements contained in the text adopted under the Convention concern the prospective review of trade and the possible submission of a revised proposal at a future meeting of the Conference of the Parties. As those elements do not constitute rules that regulate trade, they should not be included as binding conditions in the Annex to Regulation (EC) No 338/97.
- (16) With regard to annotation A11 for *Loxodonta africana* (populations of Botswana, Namibia, South Africa and Zimbabwe), the wording of the corresponding table note has been updated to reflect the amendments adopted under the Convention. In particular, certain provisions contained in the previous version of that annotation concerning trade in raw ivory have been removed following the amendments adopted under the Convention. The table note in the Annex to Regulation (EC) No 338/97 should therefore be aligned accordingly.
- (17) Annotation #10 for *Paubrasilia echinata* has been adapted, where necessary, to ensure coherence with the definition of ‘trade’ within the meaning of Article I (c) of the Convention, taking into account that the Union constitutes a single Party thereto.
- (18) The Union has not entered a reservation in respect of any of those amendments.
- (19) At CoP20, new nomenclatural references for animals and plants were adopted. As a result, it is necessary to change the names of the following species and subspecies: *Leucopternis occidentalis*, *Elachistodon westermanni*, *Chelus fimbriatus*, *Aloe compressa* var. *rugosquamosa*, *Aloe pillansii*, *Aloe suzannae*, *Nardostachys grandiflora*. It is also necessary to change the name of the family Myliobatidae, and the placement of the genus *Anacampseros* (which includes *Avonia* spp.) from the family Portulacaceae to Anacampserotaceae.
- (20) The following taxa were included in Appendix I to the Convention due to nomenclatural changes and should therefore be included in Annex A to Regulation (EC) No 338/97: *Ailurus styani*, *Neomonachus* spp. The following taxa were also included in Appendix I to the Convention but are included in the higher taxon in Annex A to Regulation (EC) No 338/97: *Loxodonta cyclotis* was included in the listing of the genus *Loxodonta* spp., and *Balaenoptera ricei* was included in the listing of the family Cetacea.
- (21) The following species and genera were included in Appendix II to the Convention due to nomenclatural changes and should therefore be included in Annex B to Regulation (EC) No 338/97: *Budorcas tibetana*, *Cachryx* spp., *Chelus orinocensis*, *Aloiampelos*

- spp. (with annotation #4), *Aloidendron* spp. (with annotation #4), *Aristaloe* spp. (with annotation #4), *Gonialoe* spp. (with annotation #4), *Kumara* spp. (with annotation #4).
- (22) The following species were deleted from Appendix II due to nomenclatural changes and should therefore be deleted from Annex B to Regulation (EC) No 338/97: *Avonia* spp. (due to synonymisation of *Avonia* with *Anacampseros*).
- (23) The following taxa have been included in Appendix III to the Convention since the last Annexes to Regulation (EC) No 338/97 were published: *Ailuronyx* spp. at the request of the Seychelles, and *Gallotia* spp. (except *G. simonyi*, which is already listed in Annex A) at the request of the European Union. Additionally, the following taxa were included in Appendix III to the Convention due to nomenclatural changes: *Pleurocorallium elatius*, *Pleurocorallium konojoi* and *Pleurocorallium secundum*. These taxa should therefore be included in Annex C to Regulation (EC) No 338/97.
- (24) The following taxa, which were so far listed in Annex C to Regulation (EC) No 338/97, should be removed from that Annex following their deletion from Appendix III in February 2025: *Mauremys iversoni*, *Mauremys megalcephala*, *Mauremys pritchardi*, *Ocadia glyphistoma*, *Ocadia philippeni*, and *Sacalia pseudocellata*. Additionally, the following taxa were deleted from Appendix III due to nomenclatural changes and should therefore be deleted from Annex C to Regulation (EC) No 338/97: *Corallium elatius*, *Corallium konojoi*, and *Corallium secundum*.
- (25) *Othonna clavifolia*, which was so far listed in Annex D to Regulation (EC) No 338/97, should be removed from that Annex; it has been recognised to be a synonym of *Crassothonna clavifolia*, which was included in Appendix III to the Convention at the request of South Africa on 23/02/2023 and in Annex C to Regulation (EC) No 338/97 on 20/05/2023. Additionally, the spelling of *Adenia pechuelli* in Annex D to Regulation (EC) No 338/97 should be corrected to *Adenia pechuelii*.
- (26) In order to ensure consistent interpretation of definitions referring to Harmonized System codes in point 13 of the section ‘Notes on interpretation of Annexes A, B, C and D’, a note should be added clarifying that references to Harmonized System codes relate to the language of the definitions introduced in this Regulation and not to the codes themselves. This clarification reflects the approach adopted in the interpretation section of the Appendices to the Convention and in Resolution Conf. 10.13 (Rev. CoP18) on Implementation of the Convention for tree species, and aims to avoid ambiguity in the event of future revisions of those codes.
- (27) The Scientific Review Group has concluded that *Gekko badenii*, *Crotalus* spp., *Sistrurus* spp., *Carcinoscorpius rotundicauda*, *Limulus polyphemus*, *Tachypleus gigas*, and *Tachypleus tridentatus* should be included in Annex D to Regulation (EC) No 338/97, that *Santalum album* should be included in Annex D to Regulation (EC) No 338/97 with annotation §4, and that *Anthoshorea* spp., *Doona* spp., *Neohopea* spp., *Pentacme* spp., *Richetia* spp., *Rubroshorea* spp., *Shorea* spp. and *Entandrophragma* spp. should be included in Annex D to Regulation (EC) No 338/97 with annotation §5.
- (28) The Scientific Review Group has also concluded that the footnote annotation to the listing of *Tillandsia xerographica* in Annex B to Regulation (EC) No 338/97 restricting trade of specimens with source code A to specimens possessing cataphylls, should be removed.
- (29) In view of the extent of the amendments necessary to the Annex to Regulation (EC) No 338/97, it is appropriate, for reasons of clarity, to replace that Annex in its entirety.

- (30) Regulation (EC) No 338/97 should therefore be amended accordingly.
- (31) In accordance with Article XV.1(c) of the Convention, amendments adopted at a meeting of the Conference of the Parties are to enter into force 90 days after that meeting for all Parties. In order to ensure the timely entry into force of the changes to the Annex to Regulation (EC) No 338/97, the entry into force of this Regulation should be on the third day following that of its publication.
- (32) The measures provided for in this Regulation are in accordance with the opinion of the Committee on Trade in Wild Fauna and Flora established pursuant to Article 18(1) of Regulation (EC) No 338/97,

HAS ADOPTED THIS REGULATION:

Article 1

The Annex to Regulation (EC) No 338/97 is replaced by the text in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the third day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President