

This document is intended to give managers of natural science collections in the UK guidance on the legalities of holding and using specimens. It is not intended to be definitive: please contact [Animal and Plant Health Agency](#) (APHA) for more information on CITES, and [Natural England](#), [Natural Resources Wales](#), [Scottish Natural Heritage](#), or [DAERA](#) (Northern Ireland) for European protected species.

The CITES material in Section 1 is relevant to the whole of the UK; Sections 2-3 provide links to the relevant authorities in England, Wales, Scotland, and Northern Ireland.

If anyone has anything they would like to add / amend to this document, experiences any problems operating under this guidance, or would like more help or advice, please contact NatSCA ([web@natsca.org](mailto:web@natsca.org)).

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### **1) Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**

CITES is an international agreement between governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten the survival of wild populations. It came into force on 1 July 1975, and today it accords varying degrees of protection to more than 30,000 species of animals and plants, whether they are traded as live or dead specimens e.g. fur coats or dried herbs. CITES works through a system of permits and certificates which can only be issued once certain criteria have been met. The species covered by CITES are listed in one of three Appendices (I, II and III), according to the level of protection they need.

The European Union (EU) is not a Party to CITES in its own right. However, all 27 EU Member States are Parties to CITES and the EU has implemented CITES through the common EU Wildlife Trade Regulations since 1984, and through the Control of Trades in Endangered Species (Enforcement) Regulations (COTES) since 1997.

Council Regulation (EC) 338/97 and Commission Regulation (EC) 865/2006 fully implement CITES throughout the EU. Species are listed on one of four Annexes (A, B, C and D) according to the level of protection they need. The EU Annexes contain all of the species listed on the CITES Appendices plus some non-CITES species. The EU Annexes may also afford greater protection than that offered by CITES, for example the Eurasian kestrel (*Falco tinnunculus*) is listed on Appendix II of CITES and Annex A of the EU Regulations.

For copies of the EU Annexes and further information see:

<https://www.gov.uk/guidance/cites-imports-and-exports>

<https://www.cites.org/eng/disc/species.php>

#### **UK CITES Management Authority:**

Animal and Plant Health Agency (APHA)  
Centre for International Trade – Bristol, Floor 3, Horizon House, Deanery Road,  
Bristol, BS1 5AH. Tel: 0117 372 3700.  
Email: [wildlife.licensing@apha.gov.uk](mailto:wildlife.licensing@apha.gov.uk)

#### **UK CITES Scientific Authorities:**

Flora = Kew Gardens

Royal Botanic Gardens, Kew, Richmond, Surrey, TW9 3AB

Fauna = Joint Nature Conservation Committee  
Monkstone House, City Road, Peterborough, PE1 1JY

### 1a) Commercial use

Commercial use of Annex A specimens is strictly regulated throughout the EU. The prohibitions on commercial use can be found in Article 8.1 of [Council Regulation \(EC\) 338/97](#), which states:

*“The purchase, offer to purchase, acquisition for commercial purpose, display to the public for commercial purposes<sup>1</sup>, use for commercial gain and sale, keeping for sale, offering for sale or transporting for sale of specimens of the species listed in Annex A shall be prohibited.”*

The Regulations provide derogations to these prohibitions, and commercial use may be permitted by obtaining an Article 10 certificate or an Article 60 certificate, issued by [APHA](#).

Article 10 certificates are issued for solely commercial use of single Annex A specimens, and Article 60 certificates are issued to scientific institutions (such as zoos, museums, and herbaria) for commercial use that contributes to conservation research or education. Article 60 certificates cover all Annex A specimens within a collection.

There are exemptions. An Article 10 or Article 60 certificate is not required for:

- specimens worked and acquired before 3 March 1947<sup>2</sup>
- artificially propagated plant specimens
- specimens of captive born and bred animals of the species listed in Annex X of Commission Regulation (EC) 865/2006<sup>3</sup> and hybrids thereof.

Examples of ‘commercial use’ of Annex A specimens include<sup>4</sup>:

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<sup>1</sup> As the CITES Management Authority for the UK, it is APHA who ultimately decide what constitutes “commercial use”. APHA have some guidance notes: [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/599425/cites-gn2.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/599425/cites-gn2.pdf). If you need more information, contact APHA directly: [wildlife.licensing@apha.gov.uk](mailto:wildlife.licensing@apha.gov.uk).

<sup>2</sup> ‘Worked’ is defined in Article 2(w) of Council Regulation (EC) 338/97. For guidance notes and examples, please see: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2017.154.01.0015.01.ENG](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2017.154.01.0015.01.ENG)

<sup>3</sup> A list of 21 Annex A species, all of which are bred in captivity in such numbers that the chances of wild-taken specimens being found in trade is negligible. See: <http://data.europa.eu/eli/reg/2006/865/oj> (p.65). Specimens must be captive-bred and permanently marked in accordance with Article 66(1) of Commission Regulation (EC) 865/2006. Taxidermy specimens are only considered to be permanently marked if a microchip has been encased in resin in the head cavity.

<sup>4</sup> For more information see the following guidance notes, produced by Animal Health and Veterinary Laboratories Agency (AHVLA) in conjunction with NatSCA:

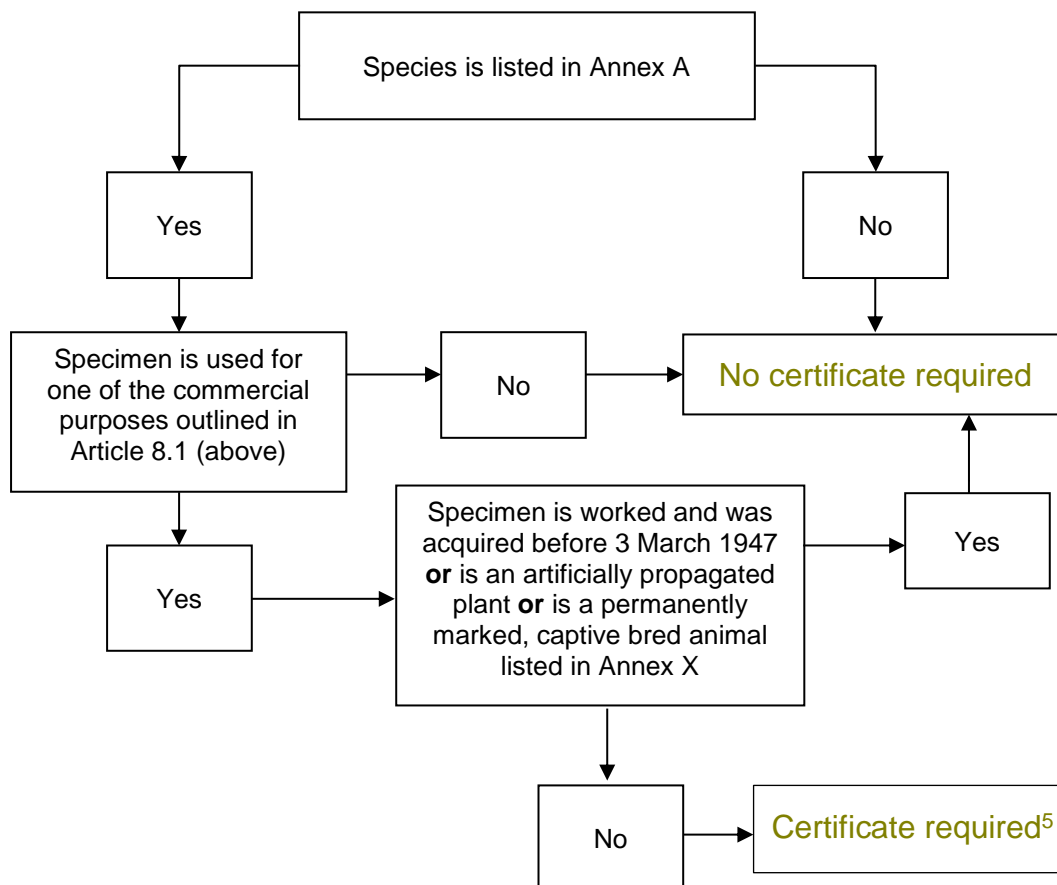
- permanent / temporary display for which an entry fee is charged
- charging fees for research access
- corporate filming or photography focussed on Annex A specimens.

Selling postcards featuring the images of Annex A specimens is not considered to constitute 'commercial use' by APHA.

If a normally free-entry museum holds a special event for which a charge is made (e.g. for entry), then any Annex A specimens used in that event will need to be covered by a certificate. If the museum is only being used as a venue (i.e. the event does not specifically focus on any Annex A specimens that may be displayed), a certificate is NOT needed.

**Museums holding Annex A specimens for non-commercial purposes do not require CITES certificates (normal CITES rules apply for exports/imports with non-EU countries).**

### Does a specimen need a CITES certificate?



<https://webarchive.nationalarchives.gov.uk/20140709004212/http://www.defra.gov.uk/ahvla-en/files/cites-gn20.pdf>

<sup>5</sup> Article 10 certificate for a single specimen, Article 60 certificate for a whole collection (but only if the commercial use contributes to conservation research or education).

### **1ai) Article 10 certificates**

Article 10 certificates can be applied for by anyone holding Annex A species, and cover single specimens. There are two types of Article 10 certificate that can be issued:

- Specimen Specific Certificates (SSC) cover all commercial use and changes of ownership throughout a specimen's 'life' in any EU member state (SSCs are invalidated if the description of the specimen changes – i.e. if it is worked or reworked)
- Transaction Specific Certificates (TSC) are issued to a named holder at a single address, and cover specified transactions only. Examples of transactions include sale, display, or breeding.

UK museums wishing to use a single Annex A specimen commercially (for example, in a charged temporary exhibition or commercial event) would require an Article 10 SSC or TSC certificate.

Note that a museum holding an Article 60 certificate would additionally require an Article 10 certificate for any specimens used solely commercially (i.e. not for the purposes of conservation research or education).

Further advice and guidance on how to apply for an Article 10 certificate is provided by the APHA: <https://www.gov.uk/guidance/cites-imports-and-exports>.

### **1aai) Article 60 Certificates**

Article 60 certificates are only issued to scientific institutions, and cover commercial use of Annex A specimens that contributes to captive breeding, research, or education aimed at the conservation of species. The certificate covers all Annex A specimens in a collection. Article 60 holders are permitted to sell Annex A specimens only to other scientific institutions holding such a certificate.

To apply for an Article 60 certificate, you will need to provide APHA with records for all Annex A specimens (which do not come within the worked items derogation) on educational display, or being used for conservation-related research, at the point the application is made. APHA also look at the credentials of an institution and refer applications to their scientific advisors (JNCC or Kew) before issuing an Article 60.

APHA has produced detailed guidance for institutions wishing to apply for an Article 60 certificate. For museums, see: <https://webarchive.nationalarchives.gov.uk/20140709004212/http://www.defra.gov.uk/ahvla-en/files/cites-gn20.pdf>

For herbaria, see: <https://webarchive.nationalarchives.gov.uk/20140709004207/http://www.defra.gov.uk/ahvla-en/files/cites-gn13.pdf>

## 1b) Import and Export

Permits are required for CITES-listed species being introduced into, or exported from, the EU (they are not required for transport within the EU). For more information on which species require permits, and how to apply, see:

<https://www.gov.uk/guidance/cites-imports-and-exports>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/593085/cites-gn1.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/593085/cites-gn1.pdf)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/599424/cites-gn1a.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/599424/cites-gn1a.pdf)

### 1bi) Scientific Institutions register

Under Article 7(4) of Council Regulation (EC) 338/97, scientific institutions are given an exemption to the need for import and export permits for the purposes of non-commercial loans and transfers. Institutions must register with the Management Authority (APHA). Registered institutions are issued with labels that can be used instead of import/export permits for transport of specimens outside the EU, but only to other registered scientific institutions.

If your institution regularly loans or transfers material outside of the EU, it might be beneficial to register as a scientific institution. Contact APHA for more information: [wildlife.licensing@apha.gov.uk](mailto:wildlife.licensing@apha.gov.uk).

The list of currently registered scientific institutions (alphabetical by country) can be found at: [https://www.cites.org/eng/common/reg/e\\_si.html](https://www.cites.org/eng/common/reg/e_si.html).

### 1c) Stricter Measures

It is worth bearing in mind that there are some CITES species and materials for which stricter measures apply. These measures are mainly designed to further restrict trade in these animals and should not unduly affect a museum. However, some of this legislation might be relevant: for example, the commercial trade in unworked rhino horn<sup>6</sup> and African elephant ivory<sup>7</sup> is generally banned in the EU. The import of some species into the EU is also banned<sup>8</sup>. Contact APHA if you need more advice.

## 2) EU Habitats Directive and European Protected Species

The Habitats Directive (Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora) lists over 1000 species of plants and animals to be given varying levels of protection in Europe<sup>9</sup>. In the UK, this was implemented through the Conservation (Natural Habitats, &c.) Regulations 1994. This provides specific Regulations for the protection of animal and plant species in Annex IV of the Habitats Directive whose natural range is within Great

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<sup>6</sup> [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0116\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52016XC0116(01)&from=EN)

<sup>7</sup> [http://ec.europa.eu/environment/cites/pdf/guidance\\_ivory.pdf](http://ec.europa.eu/environment/cites/pdf/guidance_ivory.pdf)

<sup>8</sup> [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

<sup>9</sup> [http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm)

Britain ('European Protected Species'). Lists of these protected species can be found in Schedule 2 (animals)<sup>10</sup> and Schedule 4 (plants)<sup>11</sup> of the 1994 Regulations.

It is an offence to keep, transport, sell or exchange, or offer for sale or exchange, any live or dead wild animal or plant of a European Protected Species, or any part or derivative.

Licences can be issued to museums in possession of European Protected Species for scientific or educational purposes, and they are issued by different authorities in England, Wales, Scotland, and Northern Ireland. Enforcement varies regionally – in England and Wales, a licence is needed for any species listed in Annex IIb and Annex IV of the EU Habitats Directive, while in Scotland the focus is more on the European Protected Species listed in the 1994 Conservation Regulations. Contact the relevant authority in each country for more information (details below).

Birds are not included in the EU Habitats Directive. They are protected under the Birds Directive (see Section 4, below).

### England:

If your collection includes any wild plants or animals (or their derivatives) listed in Annex IV or wild plants (except bryophytes) listed in Annex IIb of the EU Habitats Directive<sup>12</sup> that were obtained **after 10 June 1994**, then you will need to operate under the terms of a Natural England Class 1 licence (WML-CL01). This is a general licence for possession and transport of dead specimens for museums, research and educational institutions. This licence can be found at:

<https://www.gov.uk/government/publications/licence-to-possess-plants-and-animals-for-scientific-purposes>

You do not need to submit an application for this licence, but must register with Natural England by contacting them in writing to provide:

- The name of a responsible person who will be the Registered Person
- Contact address, telephone number and email address.

You must inform Natural England of any permanent change of address and/or change of Registered Person.

It is also a requirement that you keep a register of specimens held under this licence in an electronic format compatible with Microsoft Excel. This register must be updated on a yearly basis and made available to Natural England for inspection on request.

No licence is needed for specimens collected lawfully before 10 June 1994, or that were captive bred or cultivated.

To register your Class 1 licence, contact: [wildlife.scicons@naturalengland.org.uk](mailto:wildlife.scicons@naturalengland.org.uk)

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<sup>10</sup> <http://www.legislation.gov.uk/ukxi/1994/2716/schedule/2/made>

<sup>11</sup> <http://www.legislation.gov.uk/ukxi/1994/2716/schedule/4/made>

<sup>12</sup> <http://data.europa.eu/eli/dir/1992/43/2013-07-01>

### Wales:

A similar licence is issued in Wales, with the same terms and registration process. Contact Natural Resources Wales (Cyfoeth Naturiol Cymru) to register: [specieslicence@naturalresourceswales.gov.uk](mailto:specieslicence@naturalresourceswales.gov.uk).

See the following webpage for more information and a copy of the licence for museums: <https://naturalresources.wales/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/possession-and-sale-of-protected-species/>

### Scotland:

Contact Scottish Natural Heritage for information about how to obtain a licence to possess species protected under the EU Habitats Directive or European Protected Species: [licensing@nature.scot](mailto:licensing@nature.scot).

See the following webpage for more information: <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/european-protected-species-licensing>

### Northern Ireland:

Contact:  
Wildlife Team  
Department of Agriculture, Environment, and Rural Affairs  
2nd Floor, Klondyke Building, Cromac Avenue, Gasworks Business Park, Lower Ormeau Road, Belfast, BT7 2JA  
Telephone: 028 9056 9558

See the following webpage for more information: <https://www.daera-ni.gov.uk/articles/wildlife-licensing>

## 3) Badgers

Badgers are not included in the EU Habitats Directive, but they are protected by the Protection of Badgers Act 1992<sup>13</sup>. A licence can be issued to museums under Article 10(1b) of the Act to possess a dead badger, or any parts or derivatives. More information can be found at:

England:

<https://www.gov.uk/government/publications/badgers-survey-or-research-licence>  
<https://www.gov.uk/guidance/badgers-protection-surveys-and-licences>

Wales:

<https://naturalresources.wales/permits-and-permissions/protected-species-licensing/uk-protected-species-licensing/badger-licences-issued-by-natural-resources-wales-and-the-welsh-government>

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<sup>13</sup> <https://www.legislation.gov.uk/ukpga/1992/51/contents>



Scotland:

<https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/badgers-and-licensing>

Northern Ireland:

<https://www.daera-ni.gov.uk/articles/wildlife-licensing>

#### 4) Birds

Birds are protected under the 1981 Wildlife and Countryside Act, and the Birds Directive<sup>14</sup>, which defines protected species of wild birds and their habitats. No licence is required to possess dead specimens of wild birds that were taken from the wild legally.

However, do note that licences are required to take specimens from the wild<sup>15</sup> or to sell them<sup>16</sup>. Both of these licences are free. You do not need to apply for a licence to sell, but you do need to make sure that you are operating under its terms and that you have a CITES Article 10 certificate if required.

#### 5) Bird Eggs

Under section 1(2)(b) of the 1981 Wildlife and Countryside Act (WCA1981)<sup>17</sup>, it is a strict liability offence to possess a wild bird egg or part of an egg. However, there are exceptions: you currently do not need to obtain or seek a licence to possess a bird's egg if you can show that the egg was taken from the wild prior to 28 September 1982 (when Part 1 of the 1981 Wildlife and Countryside Act came into force). However, the onus is on you to show that the material was not taken in breach of any relevant legislation.

It is best practice to gather as much information as you can about bird eggs in your possession and record this in an appropriate place.

No wild bird eggs can be sold or bought in the UK.

#### If you are offered eggs:

It is an extremely unlikely scenario, but if a potential donor explicitly indicates that the material was illegally taken - e.g. "I collected these eggs just now from my garden" - then you are duty bound to inform them that the collecting and possession of eggs taken in the UK is in contravention of the WCA1981 and is therefore illegal, and decline the material.

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<sup>14</sup> [http://ec.europa.eu/environment/nature/legislation/birdsdirective/index\\_en.htm](http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm)

<sup>15</sup> <https://www.gov.uk/government/publications/wild-birds-licence-to-disturb-kill-or-take-for-science> (England only. Contact the relevant authority in Wales, Scotland, or Northern Ireland)

<sup>16</sup> <https://www.gov.uk/government/publications/wild-birds-licence-to-sell-dead-wild-birds> (England only. Contact the relevant authority in Wales, Scotland, or Northern Ireland)

<sup>17</sup> <https://www.legislation.gov.uk/ukpga/1981/69>

- You are not obliged to contact the police, but do assess the situation on a case-by-case basis. Bear in mind the donor may not have acted deliberately or in any way to bring about the state of affairs. NatSCA suggests that individual museums decide their policy on this.
- If you would like explicit advice on a particular case then you should contact the [National Wildlife Crime Unit](#) or local police on 101 for guidance.
- If a donor asks for advice on what to do with this material you could suggest that they pass the collection to the local police and ask them to contact the Senior Curator of Eggs at the Natural History Museum (currently Douglas Russell (email: [d.russell@nhm.ac.uk](mailto:d.russell@nhm.ac.uk), telephone: 0207 942 5000).

Consult your Acquisition Policy, but if a potential egg donation was, on a 'balance of probabilities', collected before 1981 then a museum could reasonably accept the material.

- The balance of probabilities is a flexible test. For example, if a donor indicates a collection "was found in their elderly deceased relative's attic and they have had it since they were a child in the 1940s", or "there is a date on some of the eggs of 1921", or "the eggs and box are faded and appear of some antiquity and it has 1908 written on it", these could, in some cases, be taken as indicating that it is more likely than not that the eggs are historical and were collected pre-Act. Obviously, this information must be carefully recorded at the time.
- If it cannot be reasonably demonstrated that the eggs were collected pre-Act, or if an individual curator is concerned about the collection's provenance, then you could decline the material and suggest that they pass the collection to the local police and ask them to contact Douglas Russell at the NHM.
- If both the donor and the museum are unsure as to what to do, again, suggest that they pass the collection to the local police and ask them to contact Douglas Russell at the NHM.

The Natural History Museum has an operational licence from Natural England allowing it to possess post-1981 eggs.

If you require further information on licensing requirements, contact Wildlife Licensing at the following address:

Wildlife Licensing  
 Natural England, Horizon House, Deanery Road, Bristol, BS1 5AH  
 Email: [wildlife@naturalengland.org.uk](mailto:wildlife@naturalengland.org.uk)  
 Telephone: 020 802 61089

NatSCA and Rachel Jennings, June 2019