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Apply for marketing authorisation

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<https://fimportal.de/xzufi-services/6021209/L100022>

Modul	Sachverhalt
Leistungsschlüssel	99090024001000
Leistungsbezeichnung I	Apply for marketing authorisation
Leistungsbezeichnung II	Apply for marketing authorisation
Typisierung	3 - Bundesaufsichtsverwaltung: Regelung
Quellredaktion	Baden-Württemberg
Freigabestatus Katalog	unbestimmter Freigabestatus
Freigabestatus Bibliothek	unbestimmter Freigabestatus
Begriffe im Kontext	
Leistungstyp	
Leistungsgruppierung	
Verrichtungskennung	
SDG-Informationsbereich	
Lagen Portalverbund	
Einheitlicher Ansprechpartner	
Fachlich freigegeben am	

Modul
Sachverhalt
Fachlich freigegeben durch
Handlungsgrundlage

Verordnung (EG) Nr. 338/97 über den Schutz von Exemplaren wildlebender Tier- und Pflanzenarten durch Überwachung des Handels

- Artikel 8 Absatz 3 Ausnahmeveraussetzungen

Gesetz über Naturschutz und Landschaftspflege - Bundesnaturschutzgesetz (BNatSchG)

- § 44 Verbote
- § 69 Ordnungswidrigkeit
- § 71 Strafvorschriften
- § 71a Strafvorschriften

Verordnung (EG) Nr. 865/2006 mit Durchführungsbestimmungen zur Verordnung (EG) Nr. 338/97 des Rates über den Schutz von Exemplaren wild lebender Tier- und Pflanzenarten durch Überwachung des Handels

- Anhang X Arten mit Ausnahme von der Bescheinigungspflicht

Verordnung des Umweltministeriums über die Festsetzung der Gebührensätze für öffentliche Leistungen der staatlichen Behörden in seinem Geschäftsbereich - Gebührenverordnung UM (GebVO UM)

- Nummer 18 Naturschutz

Teaser

The animals, plants or their products listed in Annex A of the EC Species Protection Regulation 338/97 may only be marketed if a licence has been issued. If you wish to use Annex A specimens for commercial purposes, you must therefore apply for a marketing authorisation. Marketing without authorisation is prohibited.

Volltext

The animals, plants or their products listed in Annex A of the EC Species Protection Regulation 338/97 may only be marketed if a licence has been issued. If you wish to use Annex A specimens for commercial

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purposes, you must therefore apply for a marketing authorisation. Marketing without authorisation is prohibited.

This may be relevant, for example, for

- live animals and plants , for example Greek tortoises, grey parrots
- dead animals and plants , for example preparations, products (including powders), feather jewellery, fur coats, ivory products or furniture and instruments made from protected tree species

You can find out whether your species is an Appendix A species in the Wisia database of the Federal Agency for Nature Conservation. You can find the species there on the left-hand side under "Search" and "Enter search term (species name)". If an "A" is entered in the "EC" column that appears, it is an Annex A species.

Legally, "commercialise" does not only mean "sell". Marketing" also includes the following: buying, offering for sale(for example in classified adverts), acquiring for commercial purposes, displaying for commercial purposes(for example in shop windows as decoration), using for commercial purposes and selling, holding for sale, offering for sale or transporting for sale. "Marketing" is therefore very broadly defined.

You can apply for a marketing licence online or by e-mail or post.

Erforderliche Unterlagen

You must complete the fields required for the application via MelBA-online or submit a completed application. Depending on the individual case, you may need to submit further documents, for example

- Proof of legal origin: Depending on the case, this could be: Details of previous purchase, for example invoices, explanation of the trade route, accounts EC import licence Progeny confirmation from the nature conservation authority, breeding certificate from the breeder with details of the parent animals Special authorisation/exemption from the competent authority for legal wild harvesting

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	• If applicable, meaningful photos or, for live animals, labelling in accordance with the Federal Species Protection Ordinance • For an amendment/ correction of the EC marketing authorisation: Your invalid/outdated EC marketing authorisation
Voraussetzungen	Marketing authorisation may be granted on application if the conditions for an exemption from the marketing ban are met. The conditions may be met, for example, if • the animal/plant/object was imported into the European Union or purchased before the species was protected, • it is an antique or • it concerns animals born and bred in captivity or artificially propagated plants. In addition, there are other constellations in which a marketing authorisation can be granted.
Kosten	depending on the application
Verfahrensablauf	You can apply for marketing authorisation from the competent authority in two ways: 1. You can send the application online via the specialised procedure "MelBA-online". In MelBA-online, you can - if necessary - register your animal (see service Livestock registration) and permanently view your stock of live animals that you have registered via MelBA-online. You have the option of applying for a marketing licence based on the herd with just a few additional details. Otherwise, you can also apply for this authorisation without a herd entry. The system supports you in entering the data and, if available, uses the information you have already entered for the specimen. You can also apply for the other services submission certificate and transport licence here(link).

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The system automatically sends your application to the authority responsible for you. You will also receive feedback on your application via the system. If the application is approved, the certificate will be sent by post.

To do this, register with MelBA-online and then log in: . MelBA-online is an independent specialised procedure outside the Baden-Württemberg service portal.

2. On the website of the regional councils, you can download the application form from the regional council responsible for you, fill it in and send it to the regional council.

Bearbeitungsdauer

Frist

The marketing authorisation must have been granted before the specimen/animal is marketed. The authorisation should therefore be applied for at least 4 weeks in advance.

weiterführende Informationen

Hinweise

You do not require a marketing licence for species listed in Annex X of Regulation (EC) No 865/2006.

Before purchasing a specimen of a protected species, you must ensure that you have evidence that proves the legality of the animal/specimen. If such a specimen is bought or sold, the original EU marketing authorisation must be handed over to the new owner together with the specimen.

The certificate is also required if own offspring of the species in question are marketed. For reasons of legal certainty, certificates should be applied for for offspring, even if no commercialisation is intended.

Animals with invalid, incorrect, incomplete or missing proof of legality (proof of origin) may neither be offered nor purchased.

If the legal origin of an animal or specimen cannot be clearly proven, the origin is doubtful. In such cases, the

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	animal or specimen may be confiscated or permanently confiscated (taken away). The costs of accommodation are then borne by the person from whom the specimen was confiscated. A violation of the marketing ban can be punished as an administrative offence or even prosecuted.
Rechtsbehelf	• Opposition • Action
Kurztext	
Ansprechpunkt	
Zuständige Stelle	
Formulare	
Ursprungsportal	