

## Interpretation and Implementation of the Convention

## REVISION OF RESOLUTION CONF. 9.3 ON PERMITS AND CERTIFICATES

1. This document has been submitted by the United States of America.

Background

2. The Parties adopted Resolution Conf. 9.3 at the ninth meeting of the Conference of the Parties (Fort Lauderdale, 1994), through a consolidation of Resolutions Conf. 3.6, Conf. 3.7, Conf. 4.9, Conf. 4.16, Conf. 5.7, Conf. 5.8, Conf. 5.22, Conf. 6.6 and Conf. 8.5. The resulting Resolution is lengthy, which makes it difficult to implement effectively.
3. Since this Resolution covers many topics pertaining to permits and certificates, it is important for it to be extremely well organized in order for Parties to follow and implement it consistently. In the current form, the Resolution is difficult to update since the numbering system is running out of letters and double letters. The United States of America is proposing the following re-organization of Resolution Conf. 9.3, including the use of annexes, which solves the numbering problem.
4. With the consolidation of the nine Resolutions into Resolution Conf. 9.3, it was unclear, when the term "permit" or "certificate" was used, what types of documents were being referred to. In appropriate places throughout the attached draft resolution, the United States proposes revised language to clarify that all items under "standardization of CITES permits and certificates" apply to all permits and certificates except certificates of origin and that all items pertaining to retrospective issuance and security measures apply to all permits and certificates.
5. Recommendation t) in resolution Conf. 9.3 recommends that specimens being exported and those being re-exported not appear on the same document. The purpose of this recommendation is to ensure that the permit or certificate clearly shows the type of activity for each specimen. This has caused a problem for countries that handle a large volume of permits and

certificates. The United States is proposing that recommendation t) be deleted and new language be added to AGREES c) and Annex 2, to allow for flexibility in issuing permits and certificates for more than one type of activity if the document clearly indicates the type of activity for each specimen on the permit or certificate.

6. Additionally, it was unclear in Resolution Conf. 9.3, whether multiple source codes or purpose codes could be utilized. In the attached draft resolution the language has been changed to indicate that, when appropriate, more than one source code or purpose code may be utilized. For the majority of permits or certificates issued, it will be appropriate to utilize only one source or purpose code. However, there may be cases where two purpose or source codes provide useful information. For example, it would be useful if a re-export certificate issued for a confiscated wild-caught specimen included both codes I (confiscated specimen) and W (specimen taken from the wild). Additional changes to or additions of source or purpose codes are proposed as follows in order to have the data on permits and certificates match the type of data being presented in annual reports or to provide additional information about the specimens.
  7. – Add a new purpose code, L, for Law Enforcement in order to collect data needed for the annual report.
  8. – Redefine source code F to include all animals, even beyond F1, that do not qualify as W or C. Since the current definition only includes F1 animals and there are cases where an F2 animal does not meet the criteria in Resolution Conf. 2.12 (Rev.), there is no correct code to use for these specimens unless the definition of F is expanded.
  9. – Add a new source code, O, for pre-Convention specimens, in order to collect data as required in the annual reports.

## COMMENTS OF THE SECRETARIAT

10. There is no reason to object to the principle of separating subjects into annexes, although the Secretariat does not see the need to do so. When deciding on whether to take this approach, the Parties should be guided by the need to present Resolutions in a way that makes them easy to use for those who have to implement them. If annexes are adopted, the Secretariat suggests that they should not contain any pre-ambular text.
11. In general, the Secretariat supports the proposed amendments with the following comments.
12. Applicability to permits and certificates: Article VI of the Convention applies to permits and certificates issued in accordance with Articles III, IV and V, which includes certificates of origin. It is clearly preferable however that the Parties apply harmonized rules in relation to the issuance of all permits and certificates and the Secretariat believes that the resolution should therefore apply to all types, except when there is a justification for not doing so. Besides, it should be noted the majority of Parties have only one permit/certificate form. Therefore the Secretariat suggests that instead of listing all the types of permits and certificates, the

draft resolution should refer only to "permits and certificates".

13. Multiple activities: The reference to "block 9" should be deleted as it refers to the standardized permit/certificate form and some Parties have a different system of numbering boxes on their forms.
14. Use of several codes for the purpose of transaction: The Secretariat considers that the use of more than one transaction code may create confusion.
15. Use of several codes for source: The Secretariat is convinced that a specimen should have only one source. In the proposal the use of several codes is justified only with code "I" and the proposed code "O". In the majority of cases, when code "I" has to be used, the specimens are from wild or unknown sources. As only specimens of species included in Appendices II and III can be traded for commercial purposes, the real origin of the specimen does not affect the provisions to be applied.
16. Use of code "O": The Secretariat is of the opinion that this code is not a source and its use may create confusion. A pre-Convention specimen has a source (wild,



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CONSCIOUS that the type and format of the data on the permit should agree with that as specified in the most recent Guidelines for the preparation and submission of Annual Reports; and

RECOGNIZING the need to improve the standardization of permits and certificates;

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### Explanatory Notes

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Text was added to emphasize the need for the data on CITES documents should be in the same format as that required in the annual reports.

#### THE CONFERENCE OF THE PARTIES TO THE CONVENTION

ADOPTS the following Annexes as an integral part of this Resolution:

- Annex 1: Information that should be included in CITES permits and certificates;
- Annex 2: Standard CITES form and instructions;
- Annex 3: Export permits and re-export certificates;
- Annex 4: Import permits;
- Annex 5: Pre-Convention certificates;
- Annex 6: Certificates of origin;
- Annex 7: Phytosanitary certificates
- Annex 8: Retrospective issuance of permits and certificates; and
- Annex 9: Acceptance and clearance of documents and security measures;

Text was added to introduce the annexes, which are a part of this document. The format from Resolution Conf. 9.24 was followed. Resolution Conf. 9.3 was a consolidation of nine Resolutions, which made reading it difficult and confusing. The use of annexes makes it easier to use this document and to find specific topics. Text was also grouped into annexes since the numbering system of Resolution Conf. 9.3 does not allow future expansion. By using annexes, additional items can easily be added in the future.

#### Regarding the standardization of CITES permits and certificates

AGREES

- a) that, to fulfil the requirements of Article VI of the Convention and relevant Resolutions, export and import permits, re-export and pre-Convention certificates, and certificates of captive breeding and artificial propagation should include all the information specified in Annex 1 of the present Resolution;
- b) that every form should be printed in one or more of the working languages of the Convention (English, Spanish, French) and in the national language if it is not one of the working languages;
- c) that every form should indicate which type of activity is being authorized (export permit, re-export or pre-Convention certificate, or certificate of captive breeding or artificial propagation); if multiple specimens qualifying for more than one type of activity is authorized on the form, the type of activity should be clearly indicated for each specimen in block 9.
- d) that if a permit or certificate form includes a place for the signature of the applicant, the absence of the signature should render the permit or certificate invalid; and
- e) that if an annex is attached to a permit or certificate as an integral part of it, this and the number of pages should be clearly indicated on the permit or certificate, and each page of the annex should include the following:
  - i) the number of the permit or certificate and its date of issue; and
  - ii) the signature and the embossed seal or ink stamp of the Management Authority issuing the document;

The entire AGREES section was moved before the RECOMMENDS section to give it more emphasis.

Text was added so that multiple types of activities can appear on the same form, enabling Parties to process permits and certificates more efficiently and to utilize limited resources wisely. It does not include import since imports can never be combined with exporting activities. This text deletes t) under the second Recommends in Conf. 9.3, which recommended that exported and re-exported specimens not appear on the same document, since the important consideration is that the permit or certificate should clearly show the type of activity for each specimen, not that a separate permit or certificate has been issued.

The text was changed to agree with the wording in m) of Annex 1.

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**RECOMMENDS:**

- a) that Parties wishing to modify their permit and certificate forms, to reprint existing documents or to introduce new documents, first ask the Secretariat for advice;
- b) that Parties adapt the contents and, to the extent practicable, the format of their import or export permit, re-export or pre-Convention certificate, certificate of captive breeding or artificial propagation to the standard form attached to the present Resolution as Annex 2;
- c) that, for data-processing reasons, permit and certificate numbers be limited to eight characters (digits, letters and spaces);
- d) that the Parties state, on each of their permits and certificates, the purpose(s) of the transaction using the following codes:

**T** Commercial  
**Z** Zoos  
**G** Botanical gardens  
**Q** Circuses and travelling exhibitions  
**S** Scientific  
**H** Hunting trophies  
**P** Personal  
**M** Bio-medical research  
**E** Educational  
**N** Reintroduction or introduction into the wild  
**B** Breeding in captivity or artificial propagation;  
**L** Law enforcement (includes return of confiscated items)

- e) that, when a security stamp is affixed to a permit or certificate, the number of the stamp also be recorded on the document;
- f) that for wildlife specimens of exceptional value, in addition to affixing a security stamp, all Parties consider issuing permits and certificates printed on a security paper;
- g) that, when issuing permits and certificates, the Parties follow the standard nomenclatures adopted by the Conference of the Parties to indicate the names of species;
- h) that the Parties state, on each of their permits and certificates the source(s) of the specimens using the following codes:  
**W** Specimens taken from the wild  
**R** Specimens originating from a ranching operation  
**D** Appendix-I animals bred in captivity for commercial purposes and Appendix-I plants artificially propagated for commercial purposes, as well as parts and products thereof, exported under the provisions of Article VII, paragraph 4, of the Convention

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**Explanatory Notes**

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This section under "RECOMMENDS" combines the first two sections under "RECOMMENDS" in Conf. 9.3. The "RECOMMENDS further" section has been divided into the annexes.

The recommendations were re-ordered to correspond to the order of information on the permit/certificate format in Annex 2.

Text was changed to reflect the fact that the format in Annex 2 pertains to all permits and certificates listed in paragraph a) under "AGREES", not just export permits and re-export certificates.

Items under this "RECOMMENDS" were rearranged to follow Annex 2.

The plural form of purpose was used to indicate that the use of more than one transaction code may be appropriate. For example, live specimens may be for both Z (zoos) and B (breeding in captivity).

A new purpose/transaction code was added to facilitate gathering of information on this category of purpose, which is required in annual reports.

Text was added to ensure the use of this code on all permits and certificates and the plural form of "source" was used to indicate that more than one source code could be utilized.

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- A** Plants that are artificially propagated in accordance with Resolution Conf. 9.18, paragraph a), as well as parts and products thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III)
- C** Animals bred in captivity in accordance with Resolution Conf. 2.12, as well as parts and products thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix I that have been bred in captivity for non-commercial purposes and specimens of species included in Appendices II and III)
- F** Animals born in captivity (F1 or greater) that do not fulfil the definition of "bred in captivity" in Resolution Conf. 2.12, as well as parts and products thereof
- U** Source unknown (must be justified)
- I** Confiscated or seized specimens (to be used only in conjunction with another source code)

- O** Pre-Convention specimens (to be used in conjunction with another source code)

- i) that the Parties indicate on their permits and certificates the number of specimens concerned and/or the unit of measurement used, as specified in the most recent Guidelines for the preparation and submission of annual reports;
- j) that the Parties that do not already do so affix a security stamp to each export permit and re-export certificate and where appropriate, to other permits and certificates;
- k) that, when a security stamp is affixed to a permit or certificate, it be cancelled by a signature and a stamp or seal, preferably embossed;
- l) that the Parties that have not yet done so communicate to the Secretariat the names of the persons empowered to sign permits and certificates, as well as three specimens of their signatures, and that all the Parties communicate, within one month of any change thereto, the names of persons who have been added to the list of those already empowered to sign, the names of persons whose signatures are no longer valid and the dates the changes took effect;
- m) that, when the means of transport used requires a "bill of lading" or an "air way-bill", the number of such document be stated on the permit or certificate; and
- n) that each Party inform the other Parties, direct or through the Secretariat, of any stricter internal measures it has taken under Article XIV, paragraph 1(a), of the Convention, and that, when a Party is informed of this, it refrain from issuing permits and certificates that run counter to these measures;
- o) that, when a permit or certificate is issued to replace a document that has been cancelled, lost, stolen or destroyed, or that has expired, it indicate the number of the replaced document and the reason for the replacement;

REPEALS Resolution Conf. 9.3 (Fort Lauderdale, 1994) – Permits and Certificates.

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**Explanatory Notes**

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This source code was redefined to include all animals, even beyond F1, that do not qualify as W or C.

Text was added to indicate that this source code should not be used alone but in conjunction with another source code since using this code alone does not provide enough information on source.

A new source code was added for pre-Convention specimens with the same text as for I above, for the same reason.

Text was changed to refer to the current Notification to the Parties (currently Notification No. 788) so that the information on the permits or certificates is in the same format as that required in annual reports.

Text was added to reflect that this may apply to all permits and certificates listed in paragraph a), under "AGREES", not just export permits and re-export certificates, where Parties consider it appropriate for security measures.

## Annex 1

## Information that Should be Included in CITES

Permits and Certificates

- \* a) The full name and the logo of the Convention
  - \* b) The complete name and address of the Management Authority issuing the permit
  - c) A control number
  - d) The complete names and addresses of the exporter and importer
  - e) The scientific name of the species to which the specimen belongs (or the subspecies when it is relevant in order to determine in which appendix the taxon concerned is included)
  - f) The description of the specimens, in one of the Convention's three working languages, using the nomenclature of specimens distributed by the Secretariat
  - g) The numbers of the marks appearing on the specimens if they are marked or if a Resolution of the Conference of the Parties prescribes marking (specimens from ranches, subject to quotas approved by the Conference of the Parties, originating from operations which breed animals included in Appendix I in captivity for commercial purposes, etc.)
  - h) The Appendix In which the species or subspecies or population is listed
  - i) The source of the specimen
  - j) The quantity of specimens and, if appropriate, the unit of measure used
  - k) The date of issue and the date of expiry
  - l) The name of the signatory and his/her handwritten signature
  - m) The embossed seal or ink stamp of the Management Authority
  - n) A statement that the permit, if it covers live animals, is only valid if the transport conditions comply with the CITES Guidelines for Transport of Live Animals or, in case of air transport, with the IATA Live Animals Regulations
  - o) The registration number of the operation, attributed by the Secretariat, when the permit involves specimens of a species included in Appendix I that originate from an operation practising breeding in captivity or artificial propagation for commercial purposes (Article VII, paragraph 4, of the Convention), and the name of the operation when it is not the exporter
  - p) The actual quantity of specimens exported, certified by the stamp or seal and signature of the authority that carried out the inspection at the time of the exportation
- \* THIS INFORMATION SHOULD ALREADY BE PRINTED ON THE FORM

## Annex 2

Instructions and Explanations

(These correspond to block numbers on the form)

1. Tick the square(s) which corresponds to the activities authorized (export permit, re-export certificate, import permit, other or combinations of these). If the square "other" has been ticked, the type of document must be indicated. The original number is a unique number allocated to each permit by the Management Authority.
2. For export permits and re-export certificates, the date of expiry of the document may not be more than six months after the date of issuance (one year for import permits).
- 3-4. The permittee is the exporter for a (re-)export document and the importer for an import permit.
3. Complete name and address of the consignee.
- 3a. The name of the country must be written in full.
4. Complete name and address of person(s) who or company which has been granted a permit. The name of the country must be stated.
5. Special conditions may refer to national legislation or special conditions placed on the shipment by exporting or re-exporting country. This square can also be used to justify the omission of certain information.
- 5a. The following codes should be used: T for commercial, Z for zoos, G for botanical gardens, Q for circuses and travelling exhibitions, S for scientific purposes, H for hunting trophies, P for personal objects, M for bio-medical research, E for education, N for reintroduction or introduction into the wild, B for captive breeding or artificial propagation and L for law enforcement.
- 5b. Indicate the security stamp number (including the country's ISO code).
6. The name and address of the Management Authority of the country issuing the document should be already printed on the form.
- 7-8. Indicate the common name of the animal or plant as known in the country issuing the permit, and the scientific name (genus and species, where appropriate subspecies) of the animal or plant as it appears in the Convention appendices or the reference lists approved by the Conference of the Parties.
9. Describe, as precisely as possible, the specimens entering trade (live animals, skins, flanks, wallets, shoes etc.). If a specimen is marked (tags, identifying marks, rings, etc), whether or not this is required by a Resolution of the Conference of the Parties (specimens originating in a ranching operation, specimens subject to quotas approved by the Conference of the Parties, specimens of Appendix-I species bred in captivity for commercial purposes, etc.), indicate the number and the type of mark. The sex and age of the live specimens should be recorded, if possible. If the document is issued for more than one activity, also indicate the type of activity in this block.

Note this information appears on the back of the permit/certificate form, which is not reproduced here.

This instruction was re-worded to reflect the changes made in the body of this resolution (i.e. allowing multiple types of activities to be authorized on the same document, except import combined with export, etc.).

Language was added to include the new purpose code L, which was introduced in the body of this resolution.

Language was added to this instruction to reflect the need to clearly indicate the type of activity (export, re-export, etc.) in this block if issuing the document for multiple activities.

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**Explanatory Notes**

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10. Enter the number of the appendix of the Convention (I, II or III) in which the species is listed.

Use the following codes to indicate the source:

- W** Specimens taken from the wild
- R** Specimens originating in a ranching operation
- D** Appendix-I animals bred in captivity for commercial purposes and Appendix-I plants artificially propagated for commercial purposes, as well as parts and products thereof, exported under the provisions of Article VII, paragraph 4, of the Convention
- A** Plants that are artificially propagated in accordance with Resolution Conf. 8.17, as well as parts and products thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix-I if they are not propagated artificially for commercial purposes and specimens of species included in Appendices II and III)
- C** Animals bred in captivity in accordance with Resolution Conf. 2.12. as well as parts and products thereof, exported under the provisions of Article VII, paragraph 5, of the Convention (specimens of species included in Appendix-I if they are not bred in captivity for commercial purposes and specimens of species included in Appendices II and III)
- F** Animals born in captivity (F1 or greater), but which do not fulfil the definition of "bred in captivity" in Resolution Conf. 2.12 (Rev.), as well as parts and products thereof
- U** Source unknown (must be justified)
- I** Confiscated or seized specimens; only to be used in conjunction with another source code
  
- O** Pre-Convention specimens; only to be used in conjunction with another source code;

11. Indicate the total number of specimens or, if this is not possible, the quantity, and specify the unit of measurement used (for example the weight in kilograms). Do not use general terms such as "a case" or "a batch".

- 11a. Indicate the total number of specimens exported in the current calendar year (including those covered by the present permit) and the current annual quota for the species concerned (for example 500/1000). This should be done for the national quotas as well as for those determined by the Conference of the Parties.

12. The country of origin is the country in which the specimens were taken from the wild, bred in captivity or artificially propagated. Indicate the number of the export permit of the country and the date of issuance. If all or part of the information is not known, this should be justified in block 5. This block must only be completed in case of re-exports.

- 12a. The country of last re-export is the country from which the specimens were re-exported before entering the country in which the present document was issued. Enter the number of the re-export certificate of the country of last re-export and its date of issuance. If all or part of the information is not known, this should be justified in block 5. This block must only be completed in case of re-export of specimens previously re-exported.

13. To be completed by the official who issues the permit. The name of the official (and his title) must be written in full. The security stamp must be affixed in this block and must be cancelled by the seal and signature of the issuing official. The seal, signature and security stamp should be clearly legible.

The new source code and language introduced in the body of the resolution was repeated here in the instructions for both I and O.

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14. To be completed by the official who inspects the shipment at the time of export or re-export. Enter the quantities of specimens actually export or re-exported. Strike out the unused blocks.
15. Enter the number of the bill of lading or air way-bill if the method of transport used requires the use of such a document.

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**Explanatory Notes**

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**Annex 3**Regarding Export Permits and Re-export Certificates

RECOGNIZING that the Convention is not clear about the acceptability of an export permit or re-export certificate whose period of validity expires after the specimens have been exported or re-exported but before the permit or certificate has been presented for import purposes;

AGREES further

- a) that a re-export certificate should also specify:
  - i) the country of origin, the number of the export permit of the country of origin and its date of issue; and
  - ii) the country of last re-export, the number of the re-export certificate of that country and its date of issue;or if the case arises:
  - iii) justification for the omission of any of the aforementioned information;

RECOMMENDS further:

- a) that the provisions of Article III, paragraphs 3 and 4, Article IV, paragraphs 4 and 5, and Article V, paragraphs 3 and 4, of the Convention be understood to mean that an export permit or re-export certificate shall be valid for import purposes only if presented within a period of six months from the date on which it was granted;
- b) that the words "used for export within a period of six months", in Article VI, paragraph 2, of the Convention be interpreted to mean that all export activities, including, but not limited to, transport, presentation for import, etc. shall be concluded before the expiry of the said six-month period from the date of granting the permit or certificate;
- c) that, after the expiry of the said six-month period, an export permit or re-export certificate be considered as void and of no legal value whatsoever;
- d) that, when re-export certificates are issued for specimens whose form has not changed since being imported, the unit of measure used be the same as that used on the permit or certificate accepted when they were imported;
- e) that, when a Management Authority knows a specimen to be of illegal origin, it not issue a re-export certificate for the specimen even if it has been imported in accordance with the national legislation, unless the specimen has been previously confiscated;
- f) that, when a country has voluntarily fixed national export quotas for specimens of species included in Appendix I, for non-commercial purposes, and/or in Appendices II and III, it inform the Secretariat of the quotas before issuing export permits and of any changes thereto as soon as they are made and it state on each export permit the total number of specimens already exported in the current year (including those covered by the permit in question) and the quota for the species concerned; and

Text specifically related to export permits and re-export certificates was moved to this Annex to make the resolution easier to use.

Text was added to include Article IV, paragraph 5 and Article V, paragraph 4, in order to include re-export certificates.

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- g) that, when a country has export quotas allocated by the Conference of the Parties for specimens of species included in Appendices I and II, it state on each export permit the total number of specimens already exported in the current year (including those covered by the permit in question) and the quota for the species concerned; the exporting and importing countries involved in trade in specimens of species for which there are such quotas should send copies of the original export permits, issued or received as appropriate, to the Secretariat to ensure that the quotas are not exceeded.

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**Annex 4**

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Regarding Import Permits

RECALLING that Article III of the Convention sets no time limit on the validity of import permits, and that it is necessary to establish a time validity appropriate to guarantee compliance with paragraph 3;

AGREES further:

- a) that an import permit for specimens of species included in Appendix I may carry, among other things, certification that the specimens will not be used for primarily commercial purposes and, in the case of live specimens, that the recipient has suitable facilities to house and care for them; and

RECOMMENDS further:

- a) that the provisions of Article III, paragraphs 2 and 4, of the Convention be understood to mean that an import permit should be recognized as valid by a Management Authority of a State of export or re-export only if presented within a period of 12 months from the date on which it was granted; and
- b) that, after the expiry of the said 12-month period of validity, an import permit granted by the State of import in order that it can be presented to a Management Authority of a State of export or re-export in accordance with the provisions of Article III, be considered as void and of no legal value whatsoever;

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**Annex 5**

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Regarding Pre-Convention Certificates

AGREES further:

- a) that a pre-Convention certificate should also specify:
- i) that the specimen covered by the certificate is pre-Convention; and
  - ii) the date of acquisition of the specimen as defined in Resolution Conf. 5.11 adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985);

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**Annex 6**

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Regarding Certificates of Origin for Specimens of Appendix-III Species

RECOMMENDS:

- a) that certificates of origin for export of specimens of species listed in Appendix III only be issued by a Management Authority competent to grant Convention permits or certificates or by the competent authority if trade is from a State not a Party to the Convention and that Parties not accept certificates of origin unless they are issued by such authorities;

## Annex 7

Regarding use of Phytosanitary Certificates as Certificates of Artificial Propagation

RECOMMENDS further:

- a) that any Party having considered the practices governing the issue of its phytosanitary certificates for export of Appendix-II specimens, and having determined that such practices provide adequate assurance that the specimens are artificially propagated (as defined in Resolution Conf. 9.18), may consider these documents as certificates of artificial propagation in accordance with Article VII, paragraph 5, of the Convention. Such certificates must include the scientific name of the species and the type and quantity of the specimens and bear a stamp, seal or other specific indication stating that the specimens are artificially propagated as defined by CITES; and
- b) that any Party using phytosanitary certificates as certificates of artificial propagation inform the Secretariat and provide copies of the certificates, stamps, seals, etc. that are used;

## Annex 8

Regarding Retrospective Issuance of Permits and Certificates

RECALLING that Parties are obliged, under Article VIII, paragraph 1(b), of the Convention, to provide for the confiscation or return to the State of export of specimens traded in violation of the Convention;

NOTING that the efforts of importing countries to fulfil their obligations under Article VIII, paragraph 1(b), of the Convention may be seriously obstructed by the retrospective issuance of permits or certificates for specimens having left the exporting or re-exporting country without such documents, and that declarations about the validity of documents that do not meet the requirements of the Convention are likely to have a similar effect;

CONSIDERING that the retrospective issuance of permits and certificates has an increasingly negative impact on the possibilities for properly enforcing the Convention and leads to the creation of loopholes for illegal trade;

RECOMMENDS further:

- a) that a Management Authority of an exporting or re-exporting country:
  - i) not issue any CITES permits and certificates retrospectively;
  - ii) not provide exporters, re-exporters and/or consignees in importing countries with declarations about the legality of exports or re-exports of specimens having left its country without the required CITES documents; and
  - iii) not provide exporters, re-exporters and/or consignees in importing countries with declarations about the legality of export or re-export documents which at the time of export, re-export or import did not meet the requirements of the Convention;
- b) that a Management Authority of an importing country, or of a country of transit or transshipment, not accept documents that were issued retrospectively;

Text was added to clearly indicate that this includes all permits and certificates.

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- c) that exceptions from the recommendations under a) and b) above not be made with regard to Appendix-I specimens, and be made with regard to Appendix-II and -III specimens only where the Management Authorities of both the exporting (or re-exporting) and the importing countries are, after a prompt and thorough investigation in both countries and in close consultation with each other, satisfied:
- i) that the irregularities that have occurred are not attributable to the exporter (or re-exporter) or the importer; and
  - ii) that the export (or re-export) and import of the specimens concerned are otherwise in compliance with the Convention and with the relevant legislation of the countries of export (or re-export) and import; and
- d) that, whenever exceptions are made:
- i) the permit or certificate clearly indicate that it is issued retrospectively; and
  - ii) the reasons for the relaxation, which should come within the purview of paragraph c), subparagraphs i) and ii), above, are specified on the permit or certificate and a copy sent to the Secretariat;

### Explanatory Notes

The reference to the text in above paragraphs was re-lettered to correspond to numbering/ lettering changes throughout the document.

Text was deleted to reflect that this applies to all permits and certificates and not just export permits or re-export certificates.

The reference was corrected to reflect the re-lettering of the above paragraphs.

## Annex 9

### Regarding Security Measures and Acceptance and Clearance of Documents

OBSERVING that false and invalid permits and certificates are used more-and-more often for fraudulent purposes and that appropriate measures are needed to prevent such documents from being accepted;

AGREES that Parties should take appropriate measures to ensure that only valid permits and certificates (export and import permits, re-export and pre-Convention certificates, certificates of captive-breeding and artificial propagation, and certificates of origin) are cleared and accepted;

RECOMMENDS further:

- a) that the Parties refuse to accept permits and certificates if they have been altered (by rubbing out, scratching out, etc.), modified or crossed out, unless the alteration, modification or crossing-out has been authenticated by the ink stamp and signature of the authority issuing the document;
- b) that whenever irregularities are suspected, the Parties exchange issued and/or accepted permits or certificates to verify their authenticity;
- c) that, when a security stamp is affixed to a permit or certificate, the Parties refuse the document if the security stamp is not cancelled by a signature and a stamp or seal;
- d) that Parties refuse to accept any re-export certificate that refers to an export permit that does not exist or that is invalid;
- e) that, when a Party refuses to accept a permit or certificate, it keep the original or, if this is against its national laws, it cancel the document indelibly, preferably by perforation, particularly the security stamp;
- f) that, when an importing Party refuses to accept a permit or certificate, it immediately inform the exporting or re-exporting country;

Text was added to emphasize the need for Parties to agree that only valid documents may be accepted and cleared and this applies to all types of permits and certificates, including certificates of origin.

The word "ink" was added to agree with paragraph m) of Annex 1.

Text was added to emphasize that it is the importing country that determines whether to refuse a re-export certificate.

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- g) that, when a Party is informed that a permit or certificate it has issued has been refused, it take measures to ensure that the specimens in question do not enter into illegal trade;
- h) that Parties ensure that, when the original of a permit or certificate is not used by the permittee for the trade authorized, it is returned by the permittee to the issuing Management Authority in order to prevent the illegal use of the document; and
- i) that, when a permit or certificate has been cancelled, lost, stolen or destroyed, the issuing Management Authority immediately inform the Management Authority of the country of destination, as well as the Secretariat regarding commercial shipments;

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**Explanatory Notes**

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Language was deleted to reflect that this applies to all permits and certificates.

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