CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA & FLORA

Forty-sixth meeting of the Standing Committee
Geneva (Switzerland), 12-15 March

Interpretation and implementation of the Convention

TRADE IN TIME SENSITIVE BIOLOGICAL SAMPLES

DISCUSSION PAPER BY THE UK CITES MANAGEMENT AUTHORITY FOR AN EXPEDITED LICENSING PROCEDURE

Background

1. At its 45th meeting the Standing Committee agreed to establish a working group to work with the Secretariat in developing a draft resolution on the subject of trade in time sensitive biological samples for consideration at the 46th meeting and its deliberations are reported at SC46 Doc.12. One of its conclusions was that further work is needed to assess the feasibility of, and develop guidelines where appropriate for, the issuance and use of partially completed permits, the multiple use of permits, and a labelling system for samples to expedite the trade in time sensitive biological samples.

2. The purpose of this paper is to offer some thoughts on how such an expedited procedure might be developed.

Objective

3. Our principle aim is to develop a simplified permitting system that enables Parties States to retain control over the trade in these samples without overwhelming the, often limited, staff and other resources available to CITES Management Authorities.

4. In devising an expedited licensing procedure we need to be satisfied that the system will not be abused and that we will be able to limit the types of specimens to which it will apply. There must also be some advantage to the users so that they will be committed to making sure that the system works to the benefit of both parties. The advantage of a registration system is that it can be used by the Management Authority to define the parameters under which an expedited licensing system shall operate. It is also a means to secure compliance since registration can always been withdrawn if the user is found to have abused the system.

The Legal Provisions

5. Paragraph 5 of Article VI of CITES states that a separate permit or certificate shall be provided for each consignment. Paragraph 4 of Article VI also provides that

photocopies of a permit can be accepted in certain limited circumstances. There is no power to issue general licences under CITES, although certain exemptions are possible under Article VII. Paragraphs 2, 4 and 5 in particular provide that certificates may be issued in lieu of a permit for specimens that were captive bred or acquired before the CITES provisions came into force.

6. The Convention is silent on the question of registration but Conference Resolution 8.15 provides that operations breeding Appendix I species for commercial purposes must be registered with the CITES Secretariat. Resolution 9.19 also provides for the registration of nurseries that export artificially propagated specimens of Appendix I plant species and provides for the prior issue of certificates. In addition Conference Resolution 11.15 provides for the registration of scientific institutions. These Resolutions therefore provide a model that might usefully be applied to institutions trading in time sensitive biological samples.

7. The standard recommended format for permits and certificates is set out at Conference Resolution 10.2(Rev). Any certificates issued under an agreed registration procedure will need to conform to the recommended format

Proposed Registration Scheme

8. To facilitate the development of a secure fast track licensing system it is proposed that the users of such a system should be registered with the Management Authority of the exporting country. Organisations or individuals seeking to be included on such a register will be expected to supply the Management Authority with the following information:

- name and address of the owner , manager or technical director of the organisation or individual seeking to be registered;
- description of the type of specimens traded;
- description of the historical background of the organisation, its aims and objectives and the use made of the samples traded;
- details of the origins of the specimens traded and evidence of legal acquisition; and
- keep records of the number, type and species of specimens traded under the fast track licensing system and make these available to the Management Authority on request.

9. The Management Authority will be responsible for:

- reviewing and renewing each registration every 3 years;
- designing a simple procedure for issuing export certificates to each registered organisation in accordance with Article VII, paragraphs 2, 4 & 5 of the Convention and with Conference Resolution 10.2 (Rev);
- providing the CITES Secretariat with an up to date list of registered organisations
- defining the terms and conditions of registration and checking that these continue to be met; and
- deleting from the register those that no longer satisfy the relevant registration requirements.

The registration document will specify the terms and conditions on which the registration will apply and these will be reflected in any certificates issued the fast track licensing system described at paragraph 10 below.

10. I should be noted that this proposed registration system is intended as a mechanism to enable the Management Authority to control the activities of the exporter. It should not be confused with the system of exchange between scientific institutions permitted under Article VII.6 of CITES, nor with the registration of commercial breeders/nurseries under Conference Resolutions 8.15 and 11.14.

Proposed Fast Track Licensing System

11. In return for registering with the Management Authority, it is proposed that the organisation should be provided with a supply of uniquely numbered pre-validated permits in which:

- the registration number of the holder is included at box 12b of the model certificate - see Annex 2 of Conference Resolution 10.2(Rev);
- the statement "permit valid only for time sensitive biological samples as defined by CITES Resolution 12.XX" is inserted in box 5; and
- any special conditions relating to the type and species that may be exported under the terms of the registration document.

These permits will contain a list of approved species and the permittee would be required to attach a list of the type and species of the specimens being shipped. These would be valid for a period of up to 6 months but details of the quantity; Appendix, destination; purpose and origin would be left blank to be completed by the holder when the goods are shipped.

12. The registered organisations will be expected to maintain a record of the permits used and this should be inspected from time to time by the Management authority as part of the registration review process. If necessary they could also be required to prepare an annual of the specimens traded which could be forwarded to the CITES Secretariat.

Proposed Labelling Scheme

13. To assist Customs and inspection officials in identifying such specimens in trade, it is also proposed that traders will be required to attach a Customs label to the package in which the samples are shipped. This should bear the CITES acronym and the inscription "biological samples". The Customs officials will then be able to check that the relevant CITES certificates are enclosed with the specimens.

Application

14. Since the majority of these specimens derived from captive bred or pre CITES sources, and are used commercially for a wide range of diagnostic and biomedical purposes, it is proposed that this fast track licensing system be made available for use

by both commercial and non commercial organisations. It will be for the Management Authority to decide whether there should be any restriction as to the purpose for which such permits should be used, or whether they should be limited to specimens derived from captive bred or pre-Convention sources.

15. Although this system has been devised for handling specimens derived from animal species, there is no reason why it could not be extended to artificially propagated plant species if the CITES Parties so wished.

Recommendation

16. The proposals outlined at paragraphs 8-15 above would appear to meet our main criteria in that they offer a simplified licensing system, while ensuring that safeguards for protecting intellectual property rights are maintained. It is therefore recommended that these proposals be accepted and that a suitable resolution be drafted accordingly.

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