

MEMORANDUM OF UNDERSTANDING BETWEEN  
THE DEPARTMENT FOR ENVIRONMENT, FOOD AND RURAL AFFAIRS (DEFRA)  
OF THE UNITED KINGDOM (UK) AND THE SECRETARIAT TO THE  
CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA (CITES).

Preamble

This document records the administrative arrangements that exist between Defra, acting through its Global Wildlife Division as the United Kingdom CITES Management Authority, and the CITES Secretariat, with regard to the exchange of information between officers of Her Majesty's Customs and Excise and the Police service across the United Kingdom (hereafter referred to as the UK Enforcement Agencies) on the one hand and the CITES Secretariat on the other.

This document also reflects the role of the United Kingdom's National Wildlife Crime Intelligence Unit (NWCIU), which is part of the National Criminal Intelligence Service. It serves as the focal point for the exchange of information on wildlife crime at the regional, national and international level.

CITES was opened for signature in Washington, United States of America on 3 March 1973. The United Kingdom instrument of ratification was deposited on 2 August 1976 and CITES came into force in the United Kingdom on 31 October 1976.

Articles IX.1(a) and IX.2 of CITES require each party to designate a Management Authority which is authorised to communicate with other Parties and with the CITES Secretariat.

Article XII.1 of CITES requires that a Secretariat shall be provided by the Executive Director of the United Nations Environment Programme.

Article XII.2 of CITES lists the functions of the Secretariat which includes performing any task entrusted to it by the Parties.

Within the United Kingdom, Defra is responsible for implementing CITES through European Community Regulation 338/97 (and supplementary Commission Regulations), and the Control of Trade in Endangered Species (Enforcement) Regulations 1997 (Statutory Instrument No.1372). Enforcement of these regulations and other legislation relating to wildlife trade is the responsibility of the United Kingdom Enforcement Agencies.

Recognising that the level of trade in wildlife, including parts and derivatives, is on the increase throughout the world, Defra and the CITES Secretariat consider that the obstacles relating to the direct exchange of information between such agencies and the CITES Secretariat should be removed as far as possible within the limits of administrative and operational procedures within the United Kingdom on the one hand, and the confidentiality rules of the CITES Secretariat on the other.

To that end, Defra and the CITES Secretariat will encourage and facilitate direct contact between the United Kingdom Enforcement Agencies and the CITES Secretariat, subject to the limits laid down in United Kingdom law and the procedures set out in this Memorandum. Defra and the CITES Secretariat will also encourage any exchanges of information taking place under the terms of this Memorandum to be notified to the NWCIU, wherever this is practical and appropriate.

#### Information sharing

1. It is understood that information relating to the enforcement of CITES may be exchanged directly between the United Kingdom Enforcement Agencies on the one hand, and the CITES Secretariat on the other. Wherever practical and appropriate, these exchanges will be routed through or copied to the NWCIU.
2. It will be the responsibility of the person sending the information to determine whether the information is sensitive, and whether a security marking should be attached. Where the information may be sensitive, the sender is responsible for ensuring that it is sent with an appropriate degree of security, and for establishing that the arrangements for receipt of that information are also suitably secure.
3. Recipients are responsible for ensuring that the information received is handled in a manner which will protect any security marking attached to it.
4. Whenever possible information will be passed using the ECO-message form developed by ICPO Interpol. Wherever possible, ECO-messages should be routed through the NWCIU.
5. No information received under the terms of this Memorandum will be passed to any third party or be used other than as may be specified without the prior specific agreement of the transmitting agency.
6. The transmitting agency will be responsible for ensuring that all national legal requirements are met.
7. Any exchange of personal details will be governed by the requirements of the Data Protection Act 1998 in the United Kingdom and by the rules of the CITES Secretariat. Such information will only be used for the purpose and under the conditions determined by the sender of the information.
8. Wherever possible, the agency receiving the information will advise the transmitting agency of the results of any investigations carried out using the material received, including the results of any consequent prosecutions.
9. Nothing in this Memorandum supersedes or affects any existing agreement or arrangement between any two or more of the following: Defra, CITES Secretariat, United Kingdom Enforcement Agencies, NWCIU and any other party.
10. This Memorandum may be reviewed and revised with the consent of both parties at any time.

11. This Memorandum may be terminated by either party by providing a minimum of four weeks notice in writing.

Signed:

Martin Brasher  
Head of Global Wildlife Division  
Department for Environment, Food and Rural Affairs  
Bristol, United Kingdom

Date: 29/12/03

Signed:

Willem Wijnstekers  
Secretary-General  
CITES Secretariat  
Geneva, Switzerland

Date: 12/12/03