

Conf. 9.5

(Rev. CoP16)*

Trade with States not party to the Convention

RECALLING Resolutions Conf. 3.8 and Conf. 8.8, adopted by the Conference of the Parties at its third and eighth meetings (New Delhi, 1981; Kyoto, 1992);

RECALLING the provisions of Article X of the Convention, permitting acceptance of comparable documentation issued by the competent authorities of States not party to the Convention;

CONSIDERING the need to provide guidance to Parties for the uniform implementation of Article X of the Convention;

CONSIDERING further the need to keep States not party to the Convention informed of its progressive implementation, to enable them to express their views regarding trade with the Parties, and to promote wider participation in the Convention;

CONSIDERING that Article IV, paragraph 2, of the Convention requires a Scientific Authority of the State of export to have advised that an export will not be detrimental to the survival of the species concerned before an export permit may be issued;

CONSCIOUS that trade from and through States not party to the Convention risks jeopardizing the effectiveness of the Convention;

AWARE that illegal trade, in particular in Appendix-I species, appears to avoid States that are party to the Convention and seeks trade routes to, from and through States not party to the Convention;

RECALLING Resolution Conf. 9.7 (Rev. CoP15), adopted by the Conference of the Parties at its ninth meeting (Fort Lauderdale, 1994) and revised at its 13th and 15th meetings (Bangkok, 2004; Doha, 2010), recommending that valid documentation be required for transit shipments;

NOTING that control of transit shipments in particular appears to produce substantial information on illegal trade in CITES specimens;

RECOGNIZING the possibility for Parties to impose more restrictive domestic controls on trade under Article XIV;

CONVINCED of the need to counteract illegal trade by tightening the conditions applying to trade with States not party to the Convention;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. RECOMMENDS that:

- a) permits and certificates issued by States not party to the Convention not be accepted by Parties unless they contain:
 - i) the name, stamp and signature of a competent issuing authority;
 - ii) sufficient identification of the species concerned for the purposes of the Convention;
 - iii) certification of the origin of the specimen concerned, including the export permit number from the country of origin, or justification for omitting such certification;
 - iv) in the case of export of specimens of a species included in Appendix I or II, certification to the effect that the competent scientific institution has advised that the export will not be detrimental to the survival of the species (in case of doubt a copy of such advice should be required) and that the specimens were not obtained in contravention of the laws of the State of export;
 - v) in the case of re-export, the name of the country of origin and:

* Amended at the 13th, 14th and 15th meetings of the Conference of the Parties, and by the Secretariat in compliance with Decision 14.19 and with the decisions adopted at the 61st meeting of the Standing Committee; and further amended at the 16th meeting of the Conference of the Parties.

- A. if the country of origin was a Party, the number of the export permit and the date of issue;
 - B. if the country of origin was not a Party, certification to the effect that the competent authority of the country of origin has issued an export document that substantially meets the requirements of Article VI of the Convention; or
 - C. if the case arises, justification of the omission of the aforementioned information; and
- vi) in the case of export or re-export of live specimens, a statement that the permit or certificate is valid only if the transport conditions comply with the *IATA Live Animals Regulations* or, if it covers plants, with the *IATA Perishable Cargo Regulations*;
- b) Parties accept documentation from States not party to the Convention only if the details of the competent authorities and scientific institutions of such States that are included in the online CITES Directory were communicated less than two years previously, unless the Secretariat confirms that it has more recent information;
 - c) the recommendations above also apply to specimens in transit destined for or coming from States not party to the Convention, including specimens in transit between such States;
 - d) particular attention be given to the inspection of specimens in transit exported or re-exported from, or destined for States not party to the Convention and to the inspection of documentation for such specimens;
 - e) Parties authorize import from and export or re-export to States not party to the Convention of specimens of wild origin of Appendix-I species only in special cases where it benefits the conservation of the species or provides for the welfare of the specimens, and only after consultation with the Secretariat;
 - f) if any Party deems that specimens of an Appendix-II or -III species are being exported from a State not party to the Convention in a manner detrimental to the survival of that species, it:
 - i) consult directly with the competent authorities of the State concerned; and
 - ii) if necessary, make use of the options provided by Article X, to reject permits, or Article XIV, paragraph 1 (a), to take stricter measures as appropriate;
 - g) Parties allow import from States not party to the Convention of captive-bred and artificially propagated specimens of Appendix-I species only after favourable advice from the Secretariat; and
 - h) Parties communicate to the Secretariat any inconsistencies in trade involving States not party to the Convention;
2. INSTRUCTS the Secretariat to seek, every two years, information on, and to include in the CITES Directory, details of the designated competent authorities, scientific institutions and enforcement authorities of non-party States that were communicated by these States, together with the date on which the details were received; and
3. REPEALS the Resolutions listed hereunder:
- a) Resolution Conf. 3.8 (New Delhi, 1981) – *Acceptance of Comparable Documentation Issued by States not Party to the Convention*; and
 - b) Resolution Conf. 8.8 (Kyoto, 1992) – Trade with States not Party to the Convention.