

Checklist of CITES Provisions and relevant Resolutions and their Implementation
through new Community Wildlife Trade Regulations

Article/ Resolution	Title/Subject	Para	Council Reg.	C'ion Reg	Comments
I	Definitions				
	species	a	2.s	-	Reg. does not refer to 'geographically separate' population, just to species, subspecies, or population thereof.
	specimen	b	2.t	-	definition as in Res. Conf. 9.6
	trade	c	2.u	-	Reg. extends to 'use, movement and transfer of possession within Community incl. within a Member State.
	re-export	d	2.n	-	
	introduction from the sea	e	2.e	-	Reg. extends with 'including the airspace above the sea and the seabed and subsoil beneath the sea.
	scientific authority	f	2.q	-	
	management authority	g	2.g	-	
	Party	h		-	
	Fundamental principles				
	Species Included in Appendix I	1	3.1	-	all listed in Annex A
	Species Included in Appendix II	2	3.2	-	listed in Annex B, some in A
	Species included in Appendix III	3	3.3	-	listed in Annex B, some in A, some in C.
	Only trade in accordance Convention	4	1	-	Application Reg. to be in compliance with objectives, principles and provisions of the Convention
III	Regulation trade Appendix I				
	Trade only in accordance Art. III	1	1	-	Application Reg. to be in compliance with objectives, principles and provisions of the Convention
	Export, prior presentation permit and conditions issue	2	5.1, 2	15	
	non-detriment finding scientific authority	a	5.2.a	14.2	

	management authority satisfied about legal acquisition	b	5.2.b	14.2-4	
	management authority satisfied about preparation for shipment	c	5.2.c.i 9.5	14.2	Transport, also within City, to be in accordance with Directive on the protection of animals during transport (91/628/EEC) which makes IATA and CITES Guidelines legally binding.
	import permit issued by importing country	d	5.2.c.ii	14.2	
	Import, prior presentation permit and conditions issue prior presentation (re-)export document	3	4.1 4.1.b	10	
	scientific authority satisfied import for non-detrimental purposes	a	4.1.a.ii	8.2	
	scientific authority satisfied about proper housing live specimens	b	4.1.c	8.2	
	management authority satisfied import not for primarily commercial purposes	c	4.1.d	8.2	
	Re-export, prior presentation certificate and conditions issue	4	5.1, 3	15	
	management authority satisfied that import was in accordance Convention	a	5.3.a-d	14.2-4	
	management authority satisfied about preparation for shipment	b	5.3 - 5.2.c.i	14.2	Transport, also within City, to be in accordance with Directive on the protection of animals during transport (91/628/EEC) which makes IATA and CITES Guidelines legally binding.
	import permit issued for live specimens	c	5.3 - 5.2.c.ii	14.2	Reg. requires this for all specimens not just live
	Introduction from the sea, prior presentation certificate and conditions issue	5	4.1	10	
	non-detriment finding scientific authority	a	4.1.a.i	8.2	
	management authority satisfied about proper housing live specimens	b	4.1.c	8.2	Reg. scientific instead of management authority
	management authority satisfied import not for primarily commercial purposes	c	4.1.d	8.2	
IV	Regulation trade Appendix II				

	Trade only in accordance Article IV	1	1		Application Reg. to be in compliance with objectives, principles and provisions of the Convention
	Export, prior presentation permit and conditions issue	2	5.4	15	
	non-detriment finding scientific authority	a	5.4 - 5.2.a	14.2	
	management authority satisfied about legal acquisition	b	5.4 - 5.2.b	14.2-4	
	management authority satisfied about preparation for shipment	c	5.4 - 5.2.c.i	14.2	Transport, also within Ciy, to be in accordance with Directive on the protection of animals during transport (91/628/EEC) which makes IATA and CITES Guidelines legally binding.
	scientific authority to monitor export permits granted and actual exports; advice to management authority if export to be limited	3	5.7		
	Import, prior presentation (re-export document	4	4.2 - 4.1.b.i	10	Reg. requires import permit
	Re-export, prior presentation certificate and conditions issue	5	5.4	15	
	management authority satisfied that import was in accordance Convention	a	5.4 - 3.a-d	14.2-4	
	management authority satisfied about preparation for shipment	b	5.4 - 5.2.c.1	14.2	Transport, also within Ciy, to be in accordance with Directive on the protection of animals during transport (91/628/EEC) which makes IATA and CITES Guidelines legally binding.
	Introduction from the sea, prior presentation certificate and conditions for issue	6	4.2	10	Reg. requires import permit
	non-detriment finding scientific authority	a	4.2.a	8.2	
	management authority satisfied about preparation for shipment	b	4.2.c - 4.1.f	8.2	Transport, also within Ciy, to be in accordance with Directive on the protection of animals during transport (91/628/EEC) which makes IATA and CITES Guidelines legally binding.

	Certificates for introduction from the sea may be granted, for a period of up to a year, for total numbers of specimens to be introduced in that period	7	-	-	Not implemented, separate permit for each shipment required
V	Regulation trade Appendix III				
	Trade only in accordance Article V	1	1	-	Application Reg. to be in compliance with objectives, principles and provisions of the Convention
	Export from listing country: prior presentation permit and conditions for issue	2	5.4	15	Reg. requires export permit for all III species in Annexes A to C; no controls for those in D
	management authority satisfied about legal acquisition.	a	5.4 - 5.2 b	14.2-4	
	management authority satisfied about preparation for shipment	b	5.4 - 5.2.c.i	14.2	
	Re-export	4	5.4	14, 15	Reg requires re-export certificate for all III species in Annexes A to C; no controls for those in D
	Import; prior presentation (re-)export document	3-4	4.3.a-b	15	Reg. requires import permit for B; import notification for C and D listed species
VI	Permits and certificates				
	Only to be granted in accordance Article VI	1	1		Application Reg. to be in compliance with objectives, principles and provisions of the Convention
	Export permit - to contain information specified in model Appendix IV - to be used for export within 6 months from issue	2	-	6.1.b and 7.2	see under Conf. 9.3
	Each permit to contain: - title Convention - name + stamp issuing management authority - control number	3	-	Annexes 1-4	It is questionable whether CITES logo should appear on documents for non-CITES species
	Copies to be marked as such and not to be used in place original except to the extent endorsed thereon	4	-	Annexes 1-4	
	Separate permit/certificate required for each consignment	5	-	5	Reg. uses shipment of specimens shipped together as one lot

	management authority state of import to cancel and retain export permits and re-export certificates and corresponding import permits	6		10-13, 15-16, 18	
	management authority may provide for the marking of specimens	7	19.1.iii	Title VII	
VII	Exemptions and special trade provisions				
	III-V shall not apply to transit	1	2.v, 7.2	7.5	
	III-V shall not apply to specimens with pre-Convention certificate	2	4.1.b.1 4.2.c 4.3.a-b 4.5.b		Other than worked specimens acquired 50 years before entry into force Reg. pre-Convention from third countries is not recognized
	III-V shall not apply to personal or household effects	3	2.j, 7.3	Title V	
	III does apply to Appendix I specimens acquired by owner outside and imported into his state of residence	a		24/ 25	First import by citizens requires import permit for A, (re-)export document for B; reintroduction requires copy of document used at first import. Export A and B requires export permit; re-export requires copy of previously used document. Non-residents and C and D not subject to permit requirements for personal effects as defined in Article 2 (l) of Council Reg.
	IV does apply to Appendix II specimens acquired by owner in country of origin requiring export permit and imported into his state of residence	b		24/ 25	
	III-V do not apply to pre-Convention personal or household effects	3		24/ 25	For import no pre-Convention recognized other than for worked specimens acquired 50 years before entry into force Reg.
	Appendix I specimens deemed to be Appendix II specimens if bred in captivity/artificially propagated for commercial purposes	4	7.1.a, c	Title IV 23	Same: A treated as B
	Captive breeding/artificial propagation certificates shall be accepted in lieu of documents provided for in III-V	5	7.1.b	17.1 and 2	Only for art. prop. plants use of plant health certificates, Reg. does not allow use captive breeding certificates for (re-)export to third countries.

	III-V shall not apply to certain activities of registered scientific institutions	6	7.4	21, Annex 4	Council Reg. does not provide for implementation of this derogation
	Management authorities may waive the requirements of III-V for pre-Convention and captive bred specimens held by registered travelling exhibitions	7	-	-	
VIII	Measures to be taken by the Parties				
	Enforcement measures which shall include penalization of trade or possession if specimens traded in violation of the Convention, their confiscation or the return to the exporting country	1	8.1, 8.5, 9.1, 14, 15, 16	32	
	Party may provide for reimbursement of expenses incurred as a result of confiscation	2	16.3.b, 16.4	32	
	Parties shall ensure that specimens pass through formalities with a minimum of delay; to facilitate passage they may designate ports of exit and entry. - All living specimens must be properly cared for during transit, holding or shipment	3	12 9.5	10, 15, 22	
	Confiscated live specimens	4	16.3, 16.4	32	
	Definition of 'rescue centre'	5			
	Parties to maintain records of trade	6		33.1	
	Parties shall prepare annual report on trade	7.a	15.4.a-b	33	
	Parties shall prepare biennial report on enforcement measures taken	7.b	14.1.c, 15.1, 15.2	-	Not provided for in Council Reg. and is therefore left to individual Member States
	Information referred in para 7 to be available to the public where not inconsistent with the law of the Party concerned	8	15.6	-	
IX	Management and Scientific Authorities				
	Each Party shall designate:				
	- one or more management authorities	1.a	13.1	-	
	- one or more scientific authorities	1.b	13.2	-	
	Party to communicate name of management authority to depositary government at time of accession	2	(13.3)	-	Left to individual Member States

	Changes to be communicated to the Secretariat	3	-	-	Left to individual Member States
	Management authority to communicate impression of stamps, seals, etc. to Secretariat or other Party on request	4	(13.3.c) (13.3.b)	-	Left to individual Member States
X	Trade with States not Party to the Convention requires comparable documentation issued by competent authorities and which substantially conforms to requirements Convention for permits and certificates		4.1.b.i	-	Reg. makes no special provisions and subjects non-Parties to same requirements as Parties
XI	Conference of the Parties				
XII	The Secretariat				
XIII	International measures: Secretariat to communicate with management authorities on adverse effects of trade and ineffective implementation		14.1.c 15.2	-	
XIV	Effect on domestic legislation and international conventions				
	Provisions Convention shall not affect right Parties to adopt: - stricter measures for listed species	1.a			Such measures are contained throughout Regulations
	- stricter measures for non-listed species	1.b			-idem-
	Provisions Convention shall not affect measures/obligations from other agreements relating to other aspects of trade (customs, public health, veterinary, plant health controls)	2			Regulations also apply without prejudice to legislation in other fields
	Provisions Convention shall not affect provisions or obligations treaty, convention or union or regional trade agreement establishing common external customs controls and removing customs controls between parties	3			Justifies absence of permit system and border controls between Member States
	Parties to pre-CITES agreements on the protection of marine species in Appendix II relieved from obligations Convention for specimens taken by its vessels in accordance with other agreement	4			Reg. does not provide for such derogations
	Export of specimens taken under XIV.4 shall only require certificate	5			Reg. does not allow for this
	No prejudice to law of the sea	6			

XV	Amendments to Appendices I and II		(3.5)	-	
XVI	Appendix III and amendments thereto		(3.5)	-	
XVII	Amendments to the Convention				
XVIII	Resolution of disputes				
XIX	Signature				
XX	Ratification, acceptance, approval				
XXI	Accession (Gaborone amendment will allow Community accession after ratification by 54 of the Parties in 1983)		-	-	To be dealt with as soon as amendment enters into force.
XXII	Entry into force (1 July 1975)				
XXIII	Reservations		3.1.a, 3.2.a, 3.2.b, 3.3.a, 3.3.b, 4b		
XXIV	Denunciation				
XXV	Depositary (Switzerland)				
Conf. 1.4	Museum and herbarium inventories		(7.4)	(21)	Left to individual Member States
Conf. 1.5	Effects of reservations: no III listing if reservation I or II for the species	1	-	-	
Conf. 1.5	Communications between management authorities	3	4.6, 13.3, 15.1	-	
Conf. 1.6	Limitation of the keeping of pets to those which can be bred in captivity	5	-	-	
Conf. 2.6 (Rev.)	Trade in Appendix II and III species: if found to be traded in detrimental manner, consult with management authority concerned or Secretariat, take stricter measures if traded contrary to laws of third country, inform, send copies documents, stricter measures to shipment concerned	a b	4.6	- -	

Conf. 2.8	Parties to use best endeavours to apply responsibilities under Convention to cetaceans					All cetaceans are listed in Annex A and fully protected under Directive 92/43/EEC
Conf. 2.9	Trade in IWC protected whalestocks: no permits for primarily commercial purposes					- idem -
Conf. 2.10 (Rev.)	Parties with problems to implement Article VII derogations to take stricter measures					see under Art VII
Conf. 2.11 (Rev.)	Trade in hunting trophies Appendix I species: - only with Im- and export permits - s.a. importing country to accept non-detriment finding s.a. country of origin except data indicate otherwise - independent assessment of import purposes	a c d	4:1.b 4.1.a.i 4.1.a.ii			No specific provisions made
Conf. 2.12 (Rev.)	Specimens bred in captivity or artificially propagated: - VII.4 and 5 to be applied separately - definition bred in captivity	a b	4, 5, 7.1	23.1		See under VII.4/5 above
Conf. 2.13	Problem of hybrids		7.1.b.iii	17.1		
Conf. 2.14	Guidelines for non-commercial loan, donation or exchange of museum and herbarium specimens		7.4	1.4; 21		Registration methods left to individual Member States
Conf. 3.4	Parties to provide technical assistance to developing countries					
Conf. 3.9 (Rev.)	- Parties to ensure strict compliance Appendix II, take punitive action on violation and exchange information - no (re-)export documents by other than designated m.a.'s - not accept documents issued by other than designated authorities	a b c	14-16	32		Issuing authorities clearly defined in Regs No provision made for this
Conf. 3.13	Trade in whale products: give particular attention to documents					Trade in whale products is prohibited
Conf. 3.15	Ranching			27.3		Only recommendations with regard to marking are relevant to Reg.
Conf. 4.6	Presentation of draft resolutions and other documents to COP					Not covered by Regs but to be taken into account in preparation meetings Conference of the Parties

Conf. 4.12	Control of tourist souvenir specimens: - vigorously control im- and exports Appendix I - control tourist souvenirs Appendix II affected by heavy trade - make tourists aware of im- and export controls - not apply term 'tourist souvenir specimen' to live specimens	a b d b	7.3 12.5, 15.1 2.j	24, 25	Dealt with as personal effects, no special provisions made for tourist souvenirs Campaign planned for 1996/1997 Live specimens are not covered by personal effects derogations
Conf. 4.22	- If Inform Secretariat of stricter measures send texts - if Party informs Secretariat about invalid documents, do so in writing and with details	a b	15.2	- -	Will send O.J.'s Left to individual Member States
Conf. 4.25	Effects of reservations: - reservation on transfer II to I, continue to treat as II - reservation new species in I, treat as II - on species with reservation, nevertheless provide data in annual reports	a b	3.2.b 3.2.b	33	Reg provides for shift to next Annex in case of Community reservations
Conf. 5.10	Definition of primarily commercial purposes		2.m	-	all purposes of which the non-commercial aspects do not clearly predominate
Conf. 5.11	Pre-Convention specimen: - definition date of acquisition - exporting country only issue cert. if on date acquisition, species not CITES, was no Party, had reservation - re-exp. country only issue cert. if on date acquisition, species not CITES, country of origin and self were no Party or had reservation - Importing country only recognize if date acquisition before Convention entered into force - on cert. indicate precise date acquisition or that was acquired before specific date - no pre-Convention if no date can be determined - not accept pre-Convention cert. but in compliance Res. - specimens to be subject to provisions applicable to them at time of import, (re-)export	a b c d e f g h	(2.w) 5.2.b 5.3.a-d 5.4	- - - - - 14 -	to be provided in forms Reg does not provide for use certificates -idem- do not recognize pre-Convention third countries except 4.5.b see d pre-Convention or pre-Community Regulation specimens can be (re-)exported, acceptance depends on importing third country

Conf. 5.16	Trade in ranched specimens				27.2, b, 29.3 and 4	only relevant as far as marking requirements are concerned	
Conf. 6.3	Parties to strictly verify documents from countries of origin with management authorities concerned					Left to individual Member States with regard to trade with third countries	
Conf. 6.4	Parties to strengthen controls illegal trade within their territories, not to encourage illegal trade and prohibit illegal imports from neighbouring countries						
Conf. 6.21	recommendation on marking birds		19.1.iii		29.5	Although the Resolution concerned was repealed, it contains the only useful recommendation with regard to the marking of birds.	
Conf. 7.5	<ul style="list-style-type: none"> - Use of standardized nomenclature for designation of parts and derivatives * Translation description in working language Convention. - Reply to Secretariat on alleged infraction within one month - If no response within a year, explain - Secretariat to work with Party to solve major implementation problems - If no solution achieved, Secretariat to bring before Standing Committee - Secretariat to keep Parties informed and to include problems in infraction report 	a			3.3.a		
		b			2.5		
		e					Left to Individual Member States
		f		15.2			
		g					
		h					
Conf. 7.12	Mark with regard to humane care, well-being and behaviour specimens	a	19.1.iii		30		

<p>Conf. 8.6- (Rev.)</p>	<p>Role Scientific Authority</p> <ul style="list-style-type: none"> - not accept docs from parties without designated s.a. - no issue CITES docs without s.a. finding - s.a. to advise on purposes import I - s.a. to monitor status native species and advise - s.a. to be involved in housing I - s.a. to advise on registration scientific institutions - s.a. to advise on breeding/propagation facilities meeting criteria - s.a. to be involved in proposals amending Appendices - s.a. to review amendment proposals 	<p>b c, g h i j k l m n</p>	<p>- 4-5 4.1.a 5.7 4.1.c - - 23.1 and 3 - -</p>	<p>- - - - - - - - -</p>	<p>Not provided for</p> <p>Also applies to Annex B species</p> <p>Left to individual Member States, but Scientific Review Group becomes involved in preparation position City at the Conference</p>
<p>Conf. 8.10</p>	<p>Export quotas, marking</p>	<p>-</p>	<p>27.2.c</p>	<p>-</p>	<p>-</p>
<p>Conf. 8.13</p>	<p>microchip reading info on permits</p>	<p>e</p>	<p>19.1.iii</p>	<p>-</p>	<p>31.3</p>
<p>Conf. 8.15</p>	<p>Registration of commercial captive breeding operations</p>	<p>-</p>	<p>-</p>	<p>-</p>	<p>Not implemented for imports and internal trade, left to Member States for exports. Needs to be dealt with after revision 8.15 at COP 10</p>

Conf. 9.5	<p>Trade with non-Parties:</p> <ul style="list-style-type: none"> - not accept docs that do not contain details issuing authority, identification of species, certification origin, advice s.a., indication obtained in accordance laws, if re-export country of export issued permit, transport - not accept if details m.a. and s.a. not listed by Secretariat or only after consultation Secretariat - also apply above to transit - give particular attention to transit between non-parties - only allow I where benefits conservation, in interest welfare specimens and only after consultation Sect. - consult Sect. before allowing captive bred/art. prop. - inform Sect. of inconsistencies trade with non-parties. 	<p>a</p> <p>b</p> <p>c</p> <p>d</p> <p>e</p> <p>f</p> <p>g</p>	<p>7.2.b</p> <p>7.2.b</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p> <p>-</p>		<p>Non-Parties are subject to same requirement as Parties</p> <p>Not provided for</p> <p>Convention does not provide for documents for trade between two non-Parties, such trade is therefore exempted under 7.2.b</p> <p>Not provided for</p> <p>Left to individual Member States</p> <p>-idem-</p>
Conf. 9.6	<p>Readily recognizable parts and derivatives:</p> <ul style="list-style-type: none"> - definition - all products ranching readily recognizable - importing party not waive requirements if exporting country considers non-recognizable 	<p>a</p> <p>b</p>	<p>2.t</p> <p>-</p> <p>-</p>		<p>Follows from definition</p> <p>Requirements are based on Cty Reg. not on implementation by third countries</p>
Conf. 9.7	<p>Transit:</p> <ul style="list-style-type: none"> - only if remains in customs control, named consignee and transport interruption necessary - presence or proof valid export document - document to show ultimate destination - investigate change ultimate destination - seize/confiscate if no doc - if cannot seize inform destination/Secretariat - also apply to non-Parties apply to airport lounges, free ports, non-Custom zones 	<p>a</p> <p>b</p> <p>c</p> <p>d</p> <p>e</p> <p>f</p> <p>g</p> <p>h</p>	<p>2.v</p> <p>7.2.b</p> <p>-</p> <p>-</p> <p>7.2.c</p> <p>7.2.b</p> <p>4+ 7.2</p>		<p>Follows from 2.v</p> <p>Left to individual Member States</p> <p>Left to individual Member States</p> <p>See under Conf. 9.5</p> <p>Covered by "introduction into the Community"</p>
Conf. 9.8	<p>Enforcement:</p> <ul style="list-style-type: none"> - coordinate enforcement agencies, training, etc. - inform Sect. of significant cases of illegal trade - utilize info from NGO's - consider formation enforcement units 	<p>a</p> <p>b</p> <p>b</p> <p>c</p>	<p>14.1.c</p> <p>-</p> <p>-</p>		<p>Enforcement Working Group</p> <p>Declaration Council, contract Traffic</p> <p>Left to individual Member States</p>

Conf. 9.9:	Confiscation: - seizure/confiscation preferred to import refusal - if refused, prevent re-entering trade	a	16.4	32	See under 9.10
Conf. 9.10	Disposal of confiscated specimens: - no re-export if illegally imported - OK if for return exp. country, investigation, judicial purp. - OK if confiscated and sold - permit to indicate if confiscated specimens - conf. specimens to be used for enforcement, person responsible not to benefit - importer/carrier to pay for return - financial assistance NGO's to return - priority to care live I and II at risk - suggested use specimens returned to origin - adequate procedures to deal with seized and confiscated specimens, rescue centres, art. prop., aims Convention, destruction last resort - conf. dead App I only for certain purposes, safety store or destroy surplus specimens. - return conf. live I plants to country of origin - if not above: rescue centre, preferably for reproduction - publicize seizures/confiscations, inform public about procedures for seizure/confiscation and rescue centres	a b c d e f g h i j k l m-n o	5.3, 5.4, 5.5 8.6 8.6, 16 16.3 b, 16.4	32 14.2-4 Annex 7	Article 32 of Commission Regulation requires that Member States dispose of seized and confiscated specimens in accordance with Resolutions of the Conference of the Parties. This implies implementation of all Resolutions on the subject up to COP 9. For subsequent Resolutions, the possible non-implementation will be indicated at the meeting of the COP and the Regulation adapted accordingly.
Conf. 9.11	Disposal of confiscated live animals		16.3-4	32	See under 9.10
Conf. 9.14	Rhino horn, mark stocks				Not implemented
Conf. 9.16	Trade in African elephant ivory, marking	g-h	19.1.III	27.2.d	Not currently relevant
Conf. 9.18	Trade in plants, artificial propagation criteria		7.1.c	23.2	
Conf. 9.19	Nursery registration		7.1.b.II	17.3	Registration as such Left to individual Member States
Conf. 9.22	Tagging system for crocodilian skins numbers on permit re-export with original or re-export tags	a-d and k e h-j	19.1.III	27.2e, 29.4 31.2 28.2	

Conf. 9.23	Transport of live specimens - maintain records mortality shipments live animals		9.5	-	Info also to be provided by importer for D species in import notification
Conf. 9.26	Standard nomenclature		-	33.3 3.3.c Annex 6	