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

Seventieth meeting of the Standing Committee
Rosa Khutor, Sochi (Russian Federation), 1-5 October 2018

Interpretation and implementation matters

Trade control and traceability

PHYSICAL ENDORSEMENT OF PERMITS AND CERTIFICATES

1. This document has been submitted by Australia and Switzerland.*

2. At the 17th meeting (Johannesburg, 2016), the Conference of the Parties adopted the following Decisions in relation to the use of electronic systems and information technologies:

Directed to Parties

17.156 Parties are encouraged to submit to the Secretariat information regarding their planned and ongoing projects related to the use of electronic systems and information technologies in improving the management of CITES trade, and regarding the lessons learned.

Directed to the Standing Committee

17.158 The Standing Committee shall:

b) review the information submitted by Parties under Decision 17.156, as well as the progress of implementation of Decision 17.157 and make recommendations as necessary, any suggestions for the revision of Resolution Conf. 12.3 (Rev. CoP17) on Permits and certificates to ensure the Resolution allows for electronic border clearance processes that are consistent with and incorporate the requirements of Articles III, IV, V and VI into any e-permitting system, examining in particular the issues of presentation and validation, to the 18th meeting of the Conference of the Parties.

3. This recommendation directs the Standing Committee to review Resolution Conf. 12.3 (Rev. CoP16) on Permits and certificates to ensure it allows for electronic border clearance processes and make recommendations, as necessary, for its revision. This paper seeks the views of the Standing Committee on an amendment to this Resolution to better align CITES border clearance processes with modern electronic border practices.

4. The Convention requires the prior issuance and presentation of CITES permits or certificates before a shipment can be imported or exported. Guidance on implementing this requirement is in Resolution Conf. 12.3 (Rev. CoP16), paragraph 22 f), which recommends that: ‘Export permits and re-export certificates be endorsed, with quantity, signature and stamp, by an inspecting official, such as Customs …’. This process

* The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.
is known as ‘wet-stamping’. This paper argues the process of wet-stamping as set out in the Resolution is out-dated, inefficient, and does not align well with electronic, risk-based border clearance processes being adopted or already in use in many developed and developing countries around the world.

5. Wet-stamping is intended to work as follows: An exporter or their agent delivers the shipment with the paper CITES permit to a Customs office at a port. The Customs officer checks the contents of the shipment, writes in the quantity and the bill of lading or air way-bill number, then signs and wet-stamps the document. The shipment would then be cleared for export. This process is intended to fulfil several functions:

- Provide evidence that a CITES permit or certificate has been presented to border officials before an export or re-export occurs. This meets the prior presentation requirement in Articles III (2), (3), and (4); IV (2), (4), (5) and (6); and V (2) and (3).

- Specify the actual quantity shipped on the permit – exporters often apply for permits for more specimens than end up being shipped to allow some flexibility for order changes while permit applications are processed. A used export permit must be returned to the Management Authority of the importing country. Many countries use the actual quantity written on the returned permit to record and report on imports of CITES-listed specimens.

- Mark the export permit so that it cannot be used to export a second set of specimens under the same permit.

- Provide ‘endorsement’ or ‘validation’ by the inspecting border officer on export that the specimens in the shipment match the specimens permitted for export on the CITES document.

6. Responses to Decision 17.156, as presented to the 69th CITES Standing Committee meeting, indicate that the use of electronic permitting or ‘e-permitting’ by CITES Parties occurs along a continuum. At one end are CITES Management Authorities using simple electronic spreadsheets, such as Excel, to record the issuance of CITES permits, and to report on trade. Paper CITES permits are issued and accompany shipments. At the other end of the continuum is full electronic permitting, where electronic systems are used to receive permit applications and payments, assess and approve permits, and share permit information with border authorities and importing countries. No paper permit is issued, rather, the exporting and importing countries exchange permit information electronically, and this is used for border clearances.

7. Very few countries implement full electronic permitting. Most countries use a paper-based CITES permitting system with electronic permit management systems of varying degrees of sophistication. In a questionnaire on electronic permitting issued to CITES Parties, 53 per cent of the Management Authorities from high-income countries and 39 per cent of the Management Authorities from other countries felt that their CITES system supports all relevant steps of the permit process. 26 per cent of respondents from high-income countries and 36 per cent of respondents from other countries reported that electronic CITES trade information is accessible to customs. All respondents agreed that an electronic CITES system is important for proper management and control of the CITES permit process, that such a system increases transparency and reduces incidents of corruption, and that electronic information exchange between the CITES system and customs can reduce illegal trade in wildlife.

Problems with the wet-stamping process

8. The introduction of standardised container shipping, and the opening up of international markets has fuelled a world-wide explosion in the volume of goods moving through international ports every day. In 2006, the value of the world’s exports of manufactured goods was USD 8 trillion. By 2016, it was USD 11 trillion, an almost 40 per cent increase. Retail e-commerce was worth USD 2.3 trillion in 2017 and is projected to more

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than double to USD 4.9 trillion by 2021. The world’s busiest port, Shanghai, China, cleared the equivalent of 37 million shipping containers in 2017.

9. More than 100 million live CITES-listed plants were traded globally between 2011 and 2015. In 2015, the USA imported more than 42 million CITES-listed specimens and exported 3.7 million. China imported 5.3 million CITES-listed specimens and exported 30 million. France exported 12 million, and Switzerland and Spain exported 2 million and 375,000, respectively. South Africa exported 537,000 specimens in 2015 and Australia exported 100,000 in 2014. E-commerce is likely to drive further significant increases in CITES trade.

10. Border officials in most countries managing high or even moderate export volumes cannot open each shipment containing CITES products, count each specimen, and then stamp and sign a hard copy CITES permit prior to export to validate the shipment and its quantity as implied by the process set out in Resolution Conf. 12.3 (Rev. CoP17). Such a process is not feasible. It is also inconsistent with modern, best-practice risk-based border management processes applied by border agencies for most other prohibited or restricted goods.

11. Border processes have changed significantly in the 26 years since the wet-stamping process was established. The World Customs Organization recognises that almost all customs’ administrations now process export, transport and import declarations using an automated system. More than 90 countries use the Automated System for Customs Data (ASYCUDA) from all the regions of CITES, including Bolivia, Congo, El Salvador, Ethiopia, Iran, Jamaica, Jordan, Namibia, Niger, Papua New Guinea, and the Solomon Islands. Electronic border clearance systems, such as ASYCUDA, are powerful tools. They facilitate fast clearance of imports and exports, while monitoring shipments and targeting inspection efforts at those with the highest risk. Applying such processes are consistent with Article VIII (2) of the Convention, which requires that ‘As far as possible, the Parties shall ensure that specimens shall pass through any formalities required for trade with a minimum of delay’.

12. Using electronic border clearance systems, exporters or their agents generally make legal declarations to the border authority about the contents and actual quantity contained in the shipments. The declaration includes information about permits and approvals for the movement of protected and restricted goods, such as CITES specimens. If the shipment meets a high-risk profile, does not have valid permits, or raises any questions, it will be held and some level of inspection will occur. If the exporter mis-declares a specimen or quantity, they run the risk that the shipment will be checked on export, import or as part of a post-border audit. Being caught offers potentially significant consequences as a deterrent, including losing the shipment, fines, prison and loss of the future ability to trade.

13. The requirement for ‘endorsement’ or ‘validation’ moves the risk from the exporter to the inspecting official. Unlike the ‘prior presentation requirement’, a requirement for an inspecting official to ‘endorse’ or ‘validate’ that the contents of a shipment containing CITES-listed specimens conform with the details on the permit on export is not established in the Articles of the Convention.

14. The wet-stamping process was adopted by CITES as early as 1992 in the now superseded Resolution Conf. 8.5. The Resolution included an expectation that each CITES shipment would be inspected, through stating that a permit should include: ‘The actual quantity of specimens exported, certified by the seal and signature of the authority which carried out the inspection during the exportation’. The updated text of the current Resolution Conf. 12.3 (Rev. CoP17), while less explicit than the original text in Resolution Conf. 8.5, still implies the official has made some kind of inspection and is in a position to ‘endorse’ the details on the

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5 Loyd’s (2017), Loyd’s List: 100 Ports 2017. Published by Informa UK Ltd.© Informa UK Ltd 2017. Based on shipping’s TEU, or 20 foot Equivalent unit.
7 CITES Trade Database data (2018) based on whole numbers of specimens only, volumetric data excluded. Where available, importer reported quantities was used, then exporter reported quantities where no importer reported quantities were reported [Accessed 27 June 2018]
8 As above
9 As above
10 As above
permit: ‘Export permits and re-export certificates be endorsed, with quantity, signature and stamp, by an inspecting official, such as Customs …’. 

15. If an inspection does not occur, the ‘inspecting official’ is placed in the position of having to ‘endorse’ the information provided to them by the exporter or their agent without necessarily having verified it. Requiring border official’s endorsement of the actual quantities shipped permit transfers the declaration risk from the exporter or their agent to the official. It also misleadingly suggests to importing countries that a shipment containing CITES-listing specimens has been inspected, which could cause the importing country to significantly underestimate the risk that a CITES shipment contains trafficked wildlife specimens.

**Proposed amendment to the wet-stamping process**

16. A minor amendment to the wet-stamping process is recommended to allow an exporter or their agent to endorse the details of the actual shipment, including providing evidence they have presented their permit or certificate to border authorities prior to shipment. Such evidence could include an export declaration number or its equivalent. The exporter or their agent would also be required to declare other relevant details about the shipment, such as the actual quantity shipped and the port of export. In endorsing that section of the permit, the exporter or their agent would be taking on the full risk in making the declaration on the CITES document, and would be liable for the consequences of making a mis-declaration, including losing the shipment, fines and criminal charges.

17. In order to reflect this recommended change to the wet-stamping process, the following amendment is proposed to Resolution Conf. 12.3, part XIV Regarding acceptance and clearance of documents and security measures, paragraph 22 f):

22. RECOMMENDS that:

   f) Export permits and re-export certificates, be endorsed, with evidence of presentation to border authorities, quantity, signature, and (where relevant) stamp, by the exporter, their agent or an inspecting official, such as Customs, in the export endorsement block of the document. If the export document has not been endorsed at the time of export, the Management Authority of the importing country should liaise with the exporting country's Management Authority, considering any extenuating circumstances or documents, to determine the acceptability of the document;

Corresponding amendments to Resolution 12.3, including the CITES permit and certificate template are at Annex of the present document.

18. Such a process will fulfill the original purposes of wet-stamping: to provide evidence a permit has been presented to border authorities prior to export; to prevent the re-use of an export permit; to include the actual quantity shipped and other relevant shipment details; and, most importantly, provide enough information to allow border and CITES Management Authorities to work together to adequately mitigate the risk a shipment contains trafficked wildlife. The amendment would also provide for endorsement by the border authorities of the exporting country, for those Parties that wish to continue their current processes. An explicit indication of whether border authorities have inspected a shipment improves on the existing process as it would provide more information about the inspection status of the permit to the importing country and allow for a better assessment of the risk posed by that shipment.

19. The proposed amended process provides for the full range of CITES compliance and enforcement processes used by countries, including allowing for the execution of a risk-based border clearance approach, or a shipment-by-shipment inspection process, depending on the methods employed and the circumstances of the exporting country. This will bring CITES regulation into line with modern, best-practice processes already in place to manage prohibited and restricted goods. It will support better and more efficient use of enforcement efforts to combat trafficking of CITES-listed specimens.

20. The future success of CITES depends on the ability of CITES Management Authorities to work closely with border authorities. Border authorities must regulate CITES-listed specimens along with many other restricted and prohibited goods, including chemical weapons, unsafe children’s toys, drugs and guns. It is incumbent on CITES authorities to ensure that CITES processes allow border authorities to employ the most modern, efficient and worthwhile use of their scarce resources to effectively regulate the international movement of CITES specimens.
Recommendations

21. That the Standing Committee considers the proposed amendments Resolution Conf. 12.3 (Rev. CoP17) and to the permit and certificate template in Annex 1 of this Resolution through its Working Group on Information Technologies and Electronic Systems and make Recommendations to CoP18 as appropriate.
XIV. Regarding acceptance and clearance of documents and security measures

22. RECOMMENDS that:

a) the Parties refuse to accept permits and certificates if they have been altered (by rubbing out, deleting, scratching out, etc.), modified or crossed out, unless the alteration, modification or crossing-out has been authenticated by the stamp and signature, or its electronic equivalent, of the authority issuing the document;

b) whenever irregularities are suspected, Parties exchange issued and/or accepted permits or certificates to verify their authenticity;

c) when a security stamp is affixed to a paper permit or certificate, Parties refuse the document if the security stamp is not cancelled by a signature and a stamp or seal;

d) Parties refuse to accept any permit or certificate that is invalid, including authentic documents that do not contain all the required information as specified in the present Resolution or that contain information that brings into question the validity of the permit or certificate;

e) Parties refuse to accept permits and certificates that do not indicate the scientific name of the species concerned (including subspecies when appropriate), except in the case where:

i) the Conference of the Parties has agreed that the use of higher-taxon names is acceptable;

ii) the issuing Party can show it is well justified and has communicated the justification to the Secretariat;

iii) certain manufactured products contain pre-Convention specimens that can not be identified to the species level; or

iv) worked skins or pieces thereof of *Tupinambis* species that were imported before 1 August 2000 are being re-exported, in which case it is sufficient to use the indication *Tupinambis* spp.;

f) Export permits and re-export certificates, be endorsed, with evidence of presentation to border authorities, quantity, signature, and (where relevant) stamp, by the exporter, their agent or an inspecting official, such as Customs, in the export endorsement block of the document. If the export document has not been endorsed at the time of export, the Management Authority of the importing country should liaise with the exporting country's Management Authority, considering any extenuating circumstances or documents, to determine the acceptability of the document;
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 unique control number

d) The complete names and addresses of the exporter and importer

e) The scientific name of the species to which the specimens belong (or the subspecies when it is relevant in order to determine in which Appendix the taxon concerned is included) in accordance with the adopted standard nomenclature

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.) or, in the case of marking with microchip transponders, the microchip codes, the name of the transponder manufacturer, and, where possible, the location of the microchip in the specimen

h) The Appendix in which the species or subspecies or population is listed. NB: This does not change even if the specimen concerned is deemed to be included in a different Appendix. For example, although specimens of Appendix-I species bred in captivity for commercial purposes are deemed to be specimens of species included in Appendix II, the species remains listed in Appendix I, and this should be specified on the permit or certificate.

i) The source of the specimens

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 for paper permits and certificates or its electronic equivalent for electronic permits and certificates

m) The embossed seal or ink stamp of the Management Authority or its electronic equivalent

n) A statement that the permit, if it covers live specimens, is only valid if the transport conditions comply with the IATA Live Animals Regulations (for animals), with the IATA Perishable Cargo Regulations (for plants) or, in the case of non-air transport, with the CITES Guidelines for the Non-Air Transport of Live Wild Animals and Plants;

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), 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, with evidence of presentation to border authorities, quantity, signature, and (where relevant) stamp, by the exporter, their agent or an inspecting official

To be included in certificates of origin only

q) A statement that the specimens originate in the country that issued the certificate
## CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA

### PERMIT/CERTIFICATE No.
- □ EXPORT
- □ RE-EXPORT
- □ IMPORT
- □ OTHER:

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### 3. Importer (name and address)

### 4. Exporter/re-exporter (name, address and country)

### 5. Country of import

### 6. Special conditions

### 7. Scientific name (genus and species) and common name of animal or plant

### 8. Description of specimens, including identifying marks or numbers (age/sex if live)

### 9. Appendix no. and source (see reverse)

### 10. Quantity (including unit)

### 11. No. of the operation ** or date of acquisition ***

### 12. Country of origin *

### 13. Country in which the specimens were taken from the wild, bred in captivity or artificially propagated (only in case of re-export)

### 14. Purpose of the transaction (see reverse)

### 15. Security stamp no.

### 16. Signature of the applicant

### 17. Place

### 18. Date

### 19. Security stamp, signature and official seal

### Annex 2

**Standard CITES form**

1. **Import endorsement:**
   - □ Yes
2. **Shipments inspected:**
   - □ Yes
3. **Bill of Lading/Air waybill number:**
4. **Border clearance evidence:**
   - □ Border official
   - □ Exporter/agent
   - □ No

### Block |
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### Port of export

### Date

### Signature

### Official stamp and title
Instructions and explanations
(These correspond to block numbers on the form)

1. Tick the square which corresponds to the type of document issued (export permit, re-export certificate, import permit or other). If the box “other” has been ticked, the type of document must be indicated. The original number is a unique number allocated to each document 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. Complete name and address of the importer.

4. Complete name and address of the exporter/re-exporter. The name of the country must be stated. The absence of the signature of the applicant renders the permit or certificate invalid.

5. Special conditions may refer to national legislation or special conditions placed on the shipment by the issuing Management Authority. This block can also be used to justify the omission of certain information.

6. The name, address and country of the issuing Management Authority should already be printed on the form.

7-8. Indicate 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, and the common name of the animal or plant as known in the country issuing the permit.

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 type of mark. The sex and age of the live animals should be recorded, if possible.

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
   X Specimens taken in “the marine environment not under the jurisdiction of any State”.
   R Ranched specimens: specimens of animals reared in a controlled environment, taken as eggs or juveniles from the wild, where they would otherwise have had a very low probability of surviving to adulthood.
   D Appendix-I animals bred in captivity for commercial purposes in operations included in the Secretariat’s Register, in accordance with Resolution Conf. 12.10 (Rev. CoP15), and Appendix-I plants artificially propagated for commercial purposes, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention
   A Plants that are artificially propagated in accordance with Resolution Conf. 11.11 (Rev. CoP17), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and species of species included in Appendices II and III)
   C Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5
   F Animals born in captivity (F1 or subsequent generations) that do not fulfill the definition of ‘bred in captivity’ in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof
   U Source unknown (must be justified)
   I Confiscated or seized specimens
   D Pre-Convention specimens (may be used with other source codes).

11. The quantity and units indicated should conform to the most recent version of the Guidelines for the preparation and submission of CITES annual reports.

11a. Indicate the total number of specimens exported in the current calendar year (1 January to 31 December) (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, except in the case of plant specimens that cease to qualify for an exemption from the provisions of CITES. In such instances, the country of origin is deemed to be the country in which the specimens ceased to qualify for the exemption. Indicate the number of the permit or certificate of the exporting 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 is 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.

12b. The “No. of the operation” is the number of the registered captive-breeding or artificial propagation operation. The “date of acquisition” is defined in Resolution Conf. 13.6 (Rev. CoP16) and is required only for pre-Convention specimens.

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

14. To be completed by the exporter, their agent or relevant official who inspects the shipment at the time of export or re-export. Indicate who is completing this section. Enter the quantities of specimens actually exported or re-exported. Strike out the unused blocks.

15. Indicate whether the shipment has been inspected.

15b. 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.

16. Evidence the shipment has been presented for clearance, to be completed by an official, the exporter or their agent.

The document must be written in one of the three working languages of the Convention (English, Spanish or French) or must include a full translation into one of these three languages. Exported and re-exported specimens should not appear on the same document unless it is clearly indicated which specimens are being exported and which re-exported.

AFTER USE THIS DOCUMENT MUST BE RETURNED TO A MANAGEMENT AUTHORITY OF THE IMPORTING COUNTRY.