

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

Seventh Meeting of the Conference of the Parties

Lausanne (Switzerland), 9 to 20 October 1989

Interpretation and Implementation of the Convention

EXPORT/RE-EXPORT PERMITS/CERTIFICATES

This document has been prepared and is presented by the Secretariat.

Verification and Printing of Permits

1. With a view to improving enforcement, many importing countries regularly ask the Secretariat for confirmation of the validity of export permits or re-export certificates. On the basis of information available to the Secretariat, it can confirm quickly the validity of many of these permits, but, in certain cases, it must contact the Management Authority that issued the permit, a task which takes time and involves expense. Some of these cases stem from the fact that the permits have not been filled in correctly by the authorities in question.
2. To speed up the process of confirming permits, some exporting countries systematically send the Secretariat a copy of the permits they issue. This has proved to be a very useful measure, particularly concerning commercial shipments. If this measure is to be taken by other exporting countries, they should send the Secretariat copies of the permits as soon as they are issued.
3. A study of the permits received by the Secretariat reveals a certain number of recurring problems that stem either from the type of forms used or the manner in which they are filled in.
4. Some Parties have suggested that the recommended standard permit form should be modified. The Secretariat is aware that certain improvements could be made, but it believes that an in-depth study should be undertaken before any decision is reached. In fact, many Parties use this form, or a similar form based on it, and some have big stocks of it. What is more, it would be expensive for those already processing their forms by computer to modify their programmes. For these reasons, the Secretariat considers that any change in the standard form should be undertaken as seldom as possible and, when it proves necessary, should be studied carefully so that the modified form can be used for as long as possible.
5. The Secretariat believes that the situation could be improved by better use of the existing form, and for this reason is submitting a draft resolution (Annex 1) to the Parties.
6. Some Parties print permit forms and, after using them for several months, notice a certain number of problems. Therefore, the Secretariat suggests that, when the Parties plan to print permit forms, they consult the Secretariat for suggestions first. Moreover, when forms are going to be

reprinted, the same procedure should be followed so that the problems met by the importing Parties when dealing with these documents can be taken into consideration.

The Secretariat's recommendations would only be of an optional nature and each Party would remain responsible for its final decision.

Using the Permits

7. When they are issued, some permits are altered because the issuing authority makes unintentional errors. This can involve alterations (by rubbing out or scratching out, for example) or crossing out. Taking into account that this is a common method of fraud, the Secretariat recommends that, as far as possible, no permit or certificate should carry such modifications and, if it is not possible to fill in a new document, the modification should be authenticated by a signature and a stamp. To help make this measure effective, it is also recommended that importing countries should refuse documents that do not fulfill the above criteria.
8. Until now, security stamps have not been subject to serious counterfeiting (which is not the case with permits) and have led to the uncovering of several cases of fraud. As their effectiveness has been demonstrated, it would be convenient if more countries used them.
9. Writing the security stamp number on the permit itself has proved to be extremely useful in the investigation of suspected infractions. This practice should therefore be generalized.
10. As the re-use of security stamps has been observed in numerous cases of fraud, the Secretariat recommends that henceforth the Parties refuse any permits carrying stamps that are not cancelled by a signature and a stamp, preferably embossed.
11. In accordance with Article IX, paragraph 4, of the Convention, the Parties must supply the Secretariat, on demand, with a copy of the stamps and seals that they use to authenticate their permits and certificates. Not all Parties do this.

Many Parties also send the Secretariat specimen signatures of the people authorized to sign the CITES permits and certificates. This information is extremely useful.

However, certain problems arise when:

- a) a Party sends the Secretariat a new person's specimen signature a long time after he or she has begun the job;
- b) a Party does not notify the Secretariat that a person is no longer authorized to sign documents.

The Secretariat recommends, therefore, a one-month time limit for indicating any changes.

12. Certain permits confuse country of origin and country of export. Moreover, when analyzing certain infractions, serious difficulties have arisen when trying to discover the itinerary followed by the merchandise.

The standard permit (Resolution Conf. 3.6 Annex) only makes provision for the country of origin and the permit number. The permit number alone has proven to be insufficient to the extent that certain re-exports have taken place several years after the original export. What is more, some countries re-use the same numbers after an interval of several years. Therefore, it

would appear indispensable to indicate as well the delivery date of the export permit from the country of origin.

To facilitate investigations, it is therefore recommended that:

- the country of origin, the export permit number and its date of issue be indicated in Section 12 of the re-export certificate (or in any other corresponding section if the standard permit is not used);
 - the country of export, or of previous re-export, (if it differs from the country of origin), the re-export certificate number of that country and its date of issue should be indicated in Section 5 ("Special conditions") of the re-export certificate (or in any other appropriate section if the standard permit is not used).
13. It would appear that the special delivery conditions for permits and certificates concerning live animals are often poorly applied, through ignorance or other reasons.

Moreover, when the issuing authority delivers a permit or certificate, it rarely has the opportunity to check the transport conditions of the live animals. It is therefore recommended that permits and certificates concerning live animals carry a specific clause stating that the permit is only valid if the conditions of transport conform to resolution Conf. 4.20. This clause could figure in Section 5 ("Special conditions") on the standard permit (or in any other appropriate section if the standard permit is not used). This solution presents at least three advantages:

- a) it would draw the dealers' attention to their obligations.
- b) it would point out to the customs officers, veterinary authorities and others, the necessity of respecting specified regulations; and
- c) it could, in cases where the country's law allows it, provide a legal basis for the refusal of shipments having deplorable transport conditions (if one of the validating conditions of the permit certificate is unfulfilled, the document is invalid and the export or import of the merchandise is no longer possible).

If this measure were applied, it would reinforce those measures proposed in the draft resolution attached to Doc. 7.35.

Cancelling Refused Permits

14. Numerous infractions have been observed when, following a refusal to accept a permit or certificate, the original document has been given back to the dealer, which has given him the opportunity to falsify it and re-use it in another country, or to use the security stamp again. The only efficient solution would be for the authority which refuses a permit or certificate to keep the original. In certain countries, though, the legal system makes it difficult or even impossible to confiscate a document. Therefore, it is absolutely vital that the document should only be returned after it has been cancelled indelibly; perforation is the best method, especially for the security stamp, if there is one.

Conclusion

15. The Secretariat is convinced that these few measures, which do not necessitate modifying the standard permit, would lead to an improvement in enforcement of the Convention.
16. In addition, the United States of America has expressed the wish that the proposition presented in Annex 2 be examined.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Export/Re-export Permits/Certificates

CONSIDERING that the efficiency of the Convention rests on the presentation of permits or certificates whose validity can be easily verified;

OBSERVING that false documents and invalid documents are used more and more often for fraudulent purposes and that appropriate measures are needed to prevent such documents from being accepted;

PERSUADED that putting certain measures into practice could help the Convention reach its objectives;

CONSCIOUS of the fact that the standard permit should be modified as seldom as possible and only after an in-depth study;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

SUGGESTS that Parties who wish to modify their permit and certificate documents, reprint existing documents or put new documents into use, should first ask for the Secretariat's comments;

RECOMMENDS

- a) that the Parties refuse permits or certificates if they have been altered (by rubbing out, scratching out, etc.), modified or crossed out, unless the alteration, modification or crossing-out has been authenticated by the stamp and the signature of the authority delivering the document;
- b) that the Parties which do not do this already, affix a security stamp to export/re-export permits/certificates;
- c) that, when a security stamp is affixed to a document, the number on the stamp also be written on the document;
- d) that the Parties refuse any documents on which the security stamp is not cancelled by a signature and a stamp, preferably embossed;
- e) that the Parties transmit to the Secretariat immediately, or at the latest within one month, the names of the people authorized to sign permits and certificates, as well as three specimen signatures of each person, and, within the same time limit, the names of those people whose signature is no longer valid;
- f) that, on re-export certificates, the Parties indicate:
 - 1) in Section No. 12 of the standard permit (or in any other appropriate place if the standard permit is not used), the country of origin, the export permit number from the country of origin and its date of issue; and

ii) in Section No. 5 of the standard permit (or in any other appropriate place if the standard permit is not used), the country of export, if it is different from the country of origin, the number of the preceding re-export certificate and its date of issue; and

URGES the Parties

- a) to indicate in Section No. 5 of the standard permit ("Special conditions", or in any other appropriate place if the standard permit is not used), that the permit or certificate concerning live animals is only valid if the transport conditions conform to the Guidelines for the Transport of Live Animals or, in the case of air transport, to the IATA Regulations for transporting live animals; and
- b) to keep the original document when they refuse a permit or certificate or, if their national laws prevent this, to cancel the document indelibly; perforation being the best method, especially for the security stamp.

Export/Re-export Permits/Certificates

PROPOSAL FROM THE UNITED STATES OF AMERICA

This proposal was submitted in a letter of 15 August 1989 from the Management Authority of the United States of America.

In light of the confusion that presently exists in the harmonized permit form instructions with regard to the "source" designation for Article VII captive-bred animals and artificially propagated plants, clearer instructions should be provided to the Parties. Therefore, we recommend that the Secretariat include, as an annex to its report to the Parties at the seventh meeting of the Conference of the Parties on this issue, the following instructions on certifying specimens as Article VII bred or artificially propagated under the present CITES harmonized permit form system:

- For specimens defined in Article VII, paragraph 4, certification of bred in captivity or artificially propagated should be made on the harmonized permit by entering the symbol C or A in block 10 and entering "bred in captivity under Article VII, paragraph 4" or "artificially propagated under Article VII, paragraph 4" in block 9.
- For specimens defined in Article VII, paragraph 5, issuance of a separate certificate is required. In this case, certification of bred in captivity or artificially propagated should be made by entering "bred in captivity under Article VII, paragraph 5" or "artificially propagated under Article VII, paragraph 5" on the face of the certificate.

Those documents which do not indicate Article VII, paragraph 4 or paragraph 5 eligibility as recommended above would be considered documents not evidencing the exemptions for specimens bred in captivity or artificially propagated.

We further recommend that the Secretariat consider proposing, at the eighth meeting of the Conference of the Parties, changes to the harmonized permit form block 10 instructions.