

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

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Interpretation and Implementation of the Convention

Trade control and marking issues

TRADE IN TIME-SENSITIVE BIOLOGICAL SAMPLES

This document is being distributed at the request of the Management Authority of the United Kingdom.

Background

1. The Secretariat has provided a draft resolution at CoP12 Doc 51 on handling trade in time-sensitive biological samples. The paper puts forward a number of options for the use of semi-complete permits to expedite trade in such specimens. The purpose of this paper is to offer some thoughts on how the proposed resolution might work in practice.

Objective

2. Our principal aim is to develop a simplified permitting system that enables Parties States to retain control over the trade in these samples and protect their intellectual property rights without overwhelming the, often limited, staff and other resources available to CITES management authorities.

3. In devising an expedited permitting procedure we need to be satisfied that the system will not be abused and that we will be able to limit the types of specimens to which it will apply. There must also be some advantage to the users so that they will be committed to making sure that the system works to the benefit of both parties.

Registration by a Management Authority

4. The advantage of a registration system is that it can be used by the Management Authority to define the parameters under which an expedited permitting system shall operate. It is also a means to secure compliance since registration can always be withdrawn if the user is found to have abused the system.

5. Before registering a person, company or organisation, the Management Authority must be satisfied that:

- the applicant is trading in biological samples of the type specified in Annex 3 to the draft resolution;
- the trade will have no, or negligible, impact on the conservation of the species concerned; and
- the person, company or organisation concerned will benefit from the simplified procedures provided for under the draft resolution.

6. The Management Authority would set out the terms of the registration under which the expedited permitting procedure would apply. This would specify:

- the period of validity of any permits or certificates issued;
- which parts of the permit may be completed by the holder;
- which species may be covered by such permits or certificates; and
- any special conditions that may apply.

If necessary the registered body could also be required to provide an annual report on the number of specimens imported/exported. The permits or certificates would be valid for a period of up to:

- 6 months for an export permit;
- 12 months for an import permit; and
- 3 years for a pre Convention or captive breeding/artificial propagation certificate

7. It should be noted that a registration system is intended as a mechanism to enable the Management Authority to control the activities of the importer/exporter. It should not be confused with the system of exchange between scientific institutions permitted under Article VII.6 of CITES, nor with the registration of commercial breeders/nurseries under Conference Resolutions 8.15 and 11.14.

Application of the Proposed Expedited Procedure

8. Given the volume of specimens in trade it is recommended that the expedited procedure should be as flexible as possible. Having determined the parameters under which it should operate, Management Authorities should provide the registered body with a supply of semi-complete permit forms. These should be pre-stamped and signed and contain the name and address of the issuing authority, together with any special conditions that may apply. The permit or certificate form would be completed by the registered body as required.

9. The permit or certificate should include in box 5, or another box if the standard form is not used, the following information:

- a list of the boxes which the registered person or body is authorised to complete for each shipment;
- where the list includes scientific names, an inventory of the approved species or reference to an attached annex containing this information;
- any special conditions; and
- a place for the holder to provide a countersignature.

10. The permits or certificates should also contain conditions to make clear:

- that the permit is only valid for the import or export of biological specimens in accordance with the provisions of the draft resolution; and
- the original terms of registration as given by the Management Authority are met at the time of import/export.

The first condition will ensure that the permits or certificates are not used to export other more sensitive specimens. The second condition will enable a check to be made to ensure that the terms and conditions of the original registration are being observed. If specimens are being imported or exported in contravention of these terms and conditions the permit or certificate will be void and the specimens may be confiscated. Persons, companies or organisations, which abuse the trust placed in them, also risk having their registration withdrawn and may be prosecuted for illegal trading.

Recommendation

11. The procedure outlined offers an expedited permitting system, while ensuring that safeguards for protecting intellectual property rights and preventing illegal trade are maintained. It is therefore recommended that the Parties consider amending Resolution Conf. 10.2 (Rev.) as proposed in the Annex to Doc. 51.

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