

RESOLUTION CONF. 9.5 (REV. COP15)

TRADE WITH STATES NOT PARTY TO THE CONVENTION

1. This Resolution deals with the subject of trade with States that are not party to the Convention. Paragraph a) under “RECOMMENDS”, of the Resolution, deals with information that must be included in permits and certificates issued by non-Parties. There are two subparagraphs that require clarification.

Re-export

2. Subparagraph v) of paragraph a) under “RECOMMENDS” deals specifically with re-export from non-Parties. However, it appears to deal only with the case where the country of origin is also a non-Party. This is because:
 - a) it refers only to the “competent authority of the country of origin” and not to the Management Authority; and
 - b) it contains the criterion that the “export document” issued by the country of origin “substantially meets the requirements of Article VI of the Convention”, whereas any such document issued by a Party must be issued fully in accordance with the provisions of that Article.
3. Consequently, there appears to be no guidance regarding the case where a specimen originates in a State party to the Convention and is being re-exported from a non-party State. The Secretariat has drafted text to provide such guidance, on the basis of text in section II of Resolution Conf. 12.3 (*Permits and certificates*), specifying the information that should be included in re-export certificates.

Export or re-export of live specimens

4. In subparagraph vi) of paragraph a) under “RECOMMENDS” the Conference of the Parties provides that permits/certificates of a non-Party not be accepted unless they contain:

in the case of export or re-export of live specimens, certification to the effect that they will be transported in a manner that will minimize the risk of injury, damage to health or cruel treatment.
5. However, it is not clear whether the competent authorities of non-Parties are in a position to certify what *will be done* by a company or other entity or a person, when that might not be in the control of the official issuing the certification. Rather, the issuing authority could certify that it has required that the specimens be transported in the manner specified.
6. An alternative approach would be to apply the same rule to documents from non-Parties as applies to documents from Parties. In Resolution Conf. 12.3 (Rev. CoP15), Annex 1, the Conference of the Parties specifies the *Information that should be included in CITES permits and certificates*, which includes:
 - n) *A statement that the permit, if it covers live animals, is only valid if the transport conditions comply with the IATA Live Animals Regulations or, if it covers plants, with the IATA Perishable Cargo Regulations.*
7. The Secretariat has proposed this approach in the recommendation below.

Note

8. It should be noted that Annex 7 to the present document (relating to Resolution Conf. 11.18) contains a recommendation for the transfer of text to Resolution Conf. 9.5 (Rev. CoP15).

Recommendation

9. The Secretariat recommends that the Conference of the Parties adopt the amendments to Resolution Conf. 9.5 (Rev. CoP15) shown below. Only the relevant part of the Resolution appears below.

NB: Text proposed to be deleted is ~~crossed-out~~. Proposed new text is underlined.

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

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:
 - 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, ~~certification to the effect that they will be transported in a manner that will minimize the risk of injury, damage to health or cruel treatment~~ 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*;