

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



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**Committee II**

Designation and role of Management Authorities

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

*This document has been prepared by the Secretariat on the basis of document CoP18 Doc. 38 incorporating edits made by Canada, the European Union, Japan, the United States of America and the South Asia Cooperative Environment Programme (SACEP) during the discussion in the seventh session of Committee II (see document CoP18 Com. II Rec. 7).*

**Designation and role of Management Authorities**

RECALLING that each Party is required, in accordance with Article IX of the Convention, to designate one or more Management Authorities competent to grant permits or certificates on behalf of that Party;

RECALLING ALSO that a State depositing an instrument of ratification, acceptance, approval or accession shall at that time inform the Depositary Government of the name and address of the Management Authority authorized to communicate with other Parties and with the Secretariat and that any changes in the designations or authorizations under the provisions of Article IX of the Convention shall be communicated by the Party concerned to the Secretariat for transmission to all other Parties;

RECALLING FURTHER that the main responsibilities of the Management Authority are described in the Convention and in relevant Resolutions;

ACKNOWLEDGING the fundamental role and responsibility of Management Authorities in the regulation of international trade in specimens of CITES-listed species and the implementation of and compliance with the Convention;

RECOGNIZING the need for Parties to provide adequate resources, stability and necessary training and professional development to Management Authorities, given the highly technical and sometimes complex nature of their daily tasks and their critical role in ensuring the effective implementation of the Convention;

BEARING IN MIND that Resolution Conf. 8.4 (Rev. CoP15) on *National laws for implementation of the Convention* directs the Secretariat to identify those Parties whose domestic measures do not provide them with, *inter alia*, the authority to designate at least one Management Authority;

ACKNOWLEDGING the need for other Parties and the Secretariat to be able to easily communicate with and contact the appropriate Management Authorities of each Party; and

RECALLING FURTHER the engagement of Parties in Resolution Conf. 17.6 to prohibit, prevent, detect and counter corruption, which facilitates activities conducted in violation of the Convention;

## THE CONFERENCE OF THE PARTIES

1. ESTABLISHES the following sections in the present Resolution:
  - I. Regarding the designation of Management Authorities
  - II. Regarding the issuance of permits and certificates
  - III. Regarding reporting obligations
  - IV. Regarding registers
  - V. Regarding coordination and capacity-building
  - VI. Regarding communication with the Secretariat and other Parties
  - VII. Regarding the submission of proposals to amend the Appendices
  - VIII. Regarding marking and traceability of specimens
  - IX. Regarding disposal of confiscated specimens, especially live specimens
  - X. Regarding awareness-raising

### ***I. Regarding the designation of Management Authorities***

2. ~~AGREES~~ RESOLVES that:
  - a) each Party designates its Management Authorities by a legal instrument or administrative act; ~~that clearly and precisely gives~~ ensures that those Management Authorities have the necessary powers to carry out their responsibilities; and separates the functions of the Management Authorities and the Scientific Authorities;
  - b) upon designation, Parties communicate through the Minister of Foreign Affairs, the competent Minister or the Permanent Mission, the name and contact details of the designated Management Authorities to the Secretariat for transmission to all other Parties and inclusion in the directory of national CITES Authorities;
  - c) in cases where more than one Management Authority or other government authority is designated, Parties appoint ~~one~~ the Management Authority authorized to communicate officially with the Secretariat and other Parties on the matters mentioned in paragraphs 7, 8, 15, ~~16~~ and 18 below;
  - d) changes in the designation of Management Authorities may only be notified through the Minister of Foreign Affairs, the competent Minister or the Permanent Mission; and
  - e) changes of contact details and personnel may be notified by the Head of the Management Authority authorized to communicate officially with the Secretariat and will be reflected in the directory of national CITES Authorities;
3. ENCOURAGES Parties, when adopting national legislation designating Management Authorities, to use the draft model law on international trade in wild fauna and ~~fauna~~ flora provided by the CITES Secretariat;

### ***II. Regarding the issuance of permits and certificates***

4. REMINDS Parties that the specific ~~duties~~ functions of Management Authorities regarding the issuance of permits and certificates include, but are not limited to, the following:
  - a) issuing export and import permits and certificates for specimens of species included in Appendix I, II and III in accordance with the Convention and relevant Resolutions, in particular Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*, Resolution Conf. 9.6 (Rev. CoP16) on *Trade in readily recognizable parts and derivatives* and Resolution Conf. 5.10 (Rev. CoP15) on *Definition of 'primarily commercial purposes'*;

- b) before issuing permits and certificates, determining in accordance with Articles III, IV and V of the Convention and relevant Resolutions, in particular Resolution Conf. 18.X on *Legal acquisition findings*, that the specimen was not obtained in contravention of the laws for the protection of fauna and flora of the exporting State;
- c) before issuing permits and certificates, obtaining the advice from the Scientific Authority in accordance with the Convention and relevant Resolutions on the following:
  - i) that trade would not be detrimental to the survival of a species, in accordance with the Convention and Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings*, as appropriate;
  - ii) the suitability of the recipient to house and care for live specimens of Appendix I species being imported or introduced from the sea and those Appendix-II populations of elephants and rhinoceros subject to Resolution Conf. 11.20 (Rev. CoP17) on *Definition of the term 'appropriate and acceptable destinations'*;
  - iii) whether or not scientists or scientific institutions seeking registration for the purpose of being issued labels for scientific exchange meet the criteria established in Resolution Conf. 11.15 (Rev. CoP12) on *Non-commercial loan, donation or exchange of museum and herbarium specimens*, and other standards or any stricter national requirements; and
  - iv) whether the facility concerned meets the criteria for producing specimens considered to be bred in captivity or artificially propagated in accordance with the Convention and relevant Resolutions, when reviewing all applications submitted for consideration under Article VII, paragraph 4 or 5;
- d) when issuing an introduction from the sea certificate or an import or export permit authorizing trade in specimens of species included in Appendix I or II taken in the marine environment not under the jurisdiction of any State, taking into account whether the specimens were acquired or will be landed in a manner consistent with applicable measures under international law for the conservation and management of living marine species; or through any illegal, unreported or unregulated fishing activity, in accordance with Resolution Conf. 14.6 (Rev. CoP16) on *Introduction from the sea*;
- e) determining the applicability of exemptions or special provisions relating to trade in accordance with Article VII of the Convention, and in accordance with relevant Resolutions, in particular Resolution Conf. 9.7 (Rev. CoP15) on *Transit and transshipment*, Resolution Conf. 9.19 (Rev. CoP15) on *Registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes*, Resolution Conf. 10.16 (Rev.) on *Specimens of animal species bred in captivity*; Resolution Conf. 10.20 on *Frequent cross-border movements of personally owned live animals*, Resolution Conf. 11.15 (Rev. CoP12) on *Non-commercial loan, donation or exchange of museum and herbarium specimens*, Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*, Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*, Resolution Conf. 13.6 (Rev. CoP16) on *Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens*, Resolution Conf. 13.7 (Rev. CoP17) on *Control of trade in personal and household effects*, and Resolution Conf. 16.8 (Rev. CoP17) on *Frequent cross-border non-commercial movements of musical instruments*;
- f) determining that living specimens will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment in accordance with the Convention and Resolution Conf. 10.21 (Rev. CoP16) on *Transport of live specimens*;
- g) ~~before issuing captive-breeding or artificial propagation permits or certificates, inspecting captive-breeding operations and nurseries to confirm the identity and legal origin of the parental stock and to detect the presence of unauthorized specimens held at or exported by the operation, and, in collaboration with the Scientific Authority, monitoring the management of each captive-breeding operation under its jurisdiction, in collaboration with the Scientific Authority, in accordance with Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*; [recognising that, where appropriate, this may involve inspecting – EU text] OR [including inspecting and monitoring – US text] captive-breeding operations and nurseries to confirm the identity and legal origin of the parental stock and to detect the presence of unauthorized specimens held at or exported by the operation;~~ before issuing captive-breeding or artificial propagation permits or certificates, inspecting captive-breeding operations and nurseries to confirm the identity and legal origin of the parental stock and to detect the presence of unauthorized specimens held at or exported by the operation;

- h) for Appendix-I species,
    - i) determining that the specimen is not to be used for primarily commercial purposes before issuing import permits and introduction from the sea certificates; and
    - ii) determining that the specimen was imported into the State in accordance with the provisions of the Convention before issuing re-export certificates; and
  - i) checking permits and certificates for errors and inconsistencies, consulting the list of trade suspensions on the CITES website, and liaising with other Management Authorities or the Secretariat about any issues related to permits and certificates;
5. ACKNOWLEDGES that, where the requirements of the Convention have been met, Management Authorities may, in accordance with their national laws, grant or deny a permit or certificate, or grant a permit or certificate subject to certain conditions, and revoke or modify any permit or certificate they have issued;

### **III. Regarding reporting obligations**

6. ~~RESOLVES~~ ACKNOWLEDGES that Management Authorities have the main responsibility of reporting on the implementation of Convention;
7. REMINDS Parties that, ~~in accordance to when implementing~~ Article VIII of the Convention and Resolution Conf. 11.17 (Rev. CoP17) on *National reports*, Managements Authorities shall:
- a) maintain records of the number and type of permits and certificates granted; the States with which such trade occurred; the numbers or quantities and types of specimens, names of species as included in Appendices I, II and III and, where applicable, the size and sex of the specimens in question; coordinate the preparation of an annual report ~~on international trade in specimens listed on the Appendices required under the provisions of Article VIII, paragraph 7(a)~~, and submit this report to the Secretariat by 31 October of the year following the year to which the report refers in accordance with the *Guidelines for the preparation and submission of CITES annual reports*; and
  - b) coordinate the preparation of an implementation report on legislative, regulatory and administrative measures taken to enforce the provisions of the Convention, and submit this report to the Secretariat by 31 October of the year preceding a meeting of the Conference of the Parties;
8. FURTHER REMINDS Parties that ~~their specific reporting duties of Managements Authorities~~ commitments implemented by Management Authorities include, but are not limited to, the following
- a) coordinating the preparation of an annual illegal trade report and submitting this report to the Secretariat by 31 October ~~of the year following the year to which the report refers~~ each year covering actions in the preceding year, in accordance with Resolution Conf. 11.17 (Rev. CoP17) on *National Reports* and with the *Guidelines for the preparation and submission of the CITES annual illegal trade report*; and
  - b) reporting, where appropriate, on specific issues concerning the implementation of the Convention as requested by the Conference of the Parties, the Standing Committee, the Animals Committee, the Plants Committee or the Secretariat in accordance with relevant Resolutions, Decisions and Notifications to the Parties;

### **IV. Regarding registers**

9. RECOMMENDS that the specific ~~duties~~ functions of Management Authorities regarding registers include, but are not limited to, the following:
- a) approving captive-breeding operations ~~under Article VII, paragraph 4~~, in consultation with the Scientific Authority, and providing information to the Secretariat for the registration of each captive-breeding operation in accordance with Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*;
  - b) registering with the Secretariat, after consultation with the Scientific Authority, nurseries that artificially propagate specimens of Appendix I plant species for export purposes in accordance with Resolution

Conf. 9.19 (Rev. CoP15) on *Registration of nurseries that artificially propagate specimens of Appendix-I plant species for export purposes*;

- c) registering with the Secretariat scientists and scientific institutions in accordance with Article VII, paragraph 6 to facilitate the scientific exchange of specimens ~~in accordance with Article VII, paragraph 6~~, and assigning a unique number to each registered scientist and scientific institution in accordance with Resolution Conf. 11.15 (Rev. CoP12) on *Non-commercial loan, donation or exchange of museum and herbarium specimens*;
- d) registering with the Secretariat facilities producing caviar, including aquaculture operations that process and package caviar and those facilities that re-package caviar in its territory and clearly state whether it is a processing or a repackaging plant, in accordance with Resolution Conf. 12.7 (Rev. CoP17) on *Conservation of and trade in sturgeons and paddlefish*;
- e) registering and issuing certificates of ownership for personally owned live animals that are listed in CITES Appendices in accordance with Resolution Conf. 10.20 on *Frequent cross-border movements of personally owned live animals*; and
- f) registering and issuing travelling-exhibition certificates for specimens belonging to travelling exhibitions based in their State in accordance with Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*; and
- ~~g) registering and issuing musical instrument certificates for instruments that contain specimens of species listed in CITES Appendices in accordance with Resolution Conf. 16.8 (Rev. CoP17) on *Frequent cross-border non-commercial movements of musical instruments*;~~

#### **V. Regarding coordination and capacity-building**

- 10. RESOLVES that Management Authorities have, in accordance with national law, the main responsibility of coordinating all national governmental agencies with a role in the implementation of the Convention;
- 11. ENCOURAGES Management Authorities to establish mechanisms for coordination and communication between Management Authorities and with Scientific Authorities, as well as other government agencies with a role in the implementation and enforcement of the Convention (including, for example, customs, police and inspection services) to facilitate the effective implementation and enforcement of the Convention in accordance with their national laws and practices;
- 12. URGES Management Authorities and enforcement authorities to cooperate closely in the fight against illegal trafficking of wild fauna and flora in accordance with Resolution Conf. 11.3 (Rev. CoP17) on *Compliance and enforcement*;
- 13. FURTHER ENCOURAGES Parties, the Secretariat and interested intergovernmental and non-governmental organizations to develop and support capacity-building initiatives designed specifically to improve the implementation of the Convention by Management Authorities;

#### **VI. Regarding communication with the Secretariat and other Parties**

- 14. RESOLVES that ~~only one~~ the designated Management Authority or other government authority appointed by the Party can submit reports and communicate officially with the Secretariat on behalf of the Party on the issues outlined in paragraphs 7 and 8 above and paragraphs 15, ~~16~~ and 18 below;
- 15. ~~AGREES~~ RESOLVES that the specific communication duties functions of Managements Authorities include, but are not limited to, the following:
  - a) communicating to the Secretariat impression of stamps, seals or other devices used to authenticate permits or certificates in accordance with Article IX of the Convention, as well as samples of the signatures of the persons authorized to sign CITES permits and certificates;
  - b) informing the Secretariat of the names of the delegates representing their Party at official CITES meetings;

- c) submitting draft resolutions, draft decisions, and other documents for meetings of the Conference of the Parties and other subsidiary bodies in accordance with Article XI of the Convention;
  - d) approving the participation of national non-governmental bodies or agencies located in their territory in meetings organized under the Convention as required by the Rules of Procedure of the CITES body concerned;
  - e) communicating to the Secretariat nationally established quotas in accordance with Resolution Conf. 14.7 (Rev. CoP15) on *Management of nationally established export quotas*, where appropriate;
  - f) informing the Secretariat of the existence, adoption or amendment of stricter domestic measures and of the invalidity, deficiency or special requirements of permits and certificates in accordance with Resolution Conf. 4.22 on *Proof of foreign law*, where appropriate; and
  - g) responding to any request for information by the Secretariat related to compliance within the timeframe requested by the Secretariat.
16. ENCOURAGES Management Authorities to respond promptly to all requests for information conveyed to them in Notifications to the Parties or directly by the Secretariat or other Parties in accordance with *inter alia* paragraph 22 l) and m) of Resolution Conf. 12.3 (Rev. CoP17) on *Permits and certificates*;
17. ~~RECOMMENDS~~ REMINDS that Management Authorities to communicate on CITES-related matters in at least one of the official languages of the Convention;

**VII. Regarding the submission of proposals to amend the Appendices**

18. AGREES RESOLVES that ~~only one~~ the designated Management Authority or other government authority appointed by the Party can submit proposals to amend the Appendices and submit species for inclusion in Appendix III in accordance with Articles XV and XVI of the Convention, respectively;

**VIII. Regarding marking and traceability of specimens**

19. RECOMMENDS that Management Authorities ensure that specimens of species listed in the Appendices in trade are appropriately marked or tagged in accordance with Article VI of the Convention and Resolution Conf. 7.12 (Rev. CoP15) on *Marking requirements for trade in specimens of taxa with populations in both Appendix I and Appendix II*; Resolution Conf. 8.13 (Rev. CoP17) on *Use of coded-microchip implants for marking live animals in trade*; Resolution Conf. 10.10 (Rev. CoP17) on *Trade in elephant specimens*; Resolution Conf. 10.14 (Rev. CoP16) on *Quotas for leopard hunting trophies and skins for personal use*; Resolution Conf. 10.15 (Rev. CoP14) on *Establishment of quotas for markhor hunting trophies*; Resolution Conf. 10.20 on *Frequent cross-border movements of personally owned live animals*; Resolution Conf. 11.12 (Rev. CoP15) on *Universal tagging system for the identification of crocodilian skins*; Resolution Conf. 11.16 (Rev. CoP15) on *Ranching and trade in ranched specimens of species transferred from Appendix I to Appendix II*; Resolution Conf. 12.7 (Rev. CoP17) on *Conservation of and trade in sturgeons and paddlefish*; Resolution Conf. 12.10 (Rev. CoP15) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes*; Resolution Conf. 13.5 (Rev. CoP14) on *Establishment of export quotas for black rhinoceros hunting trophies*; and Resolution Conf. 16.8 (Rev. CoP17) on *Frequent cross-border non-commercial movements of musical instruments*;

**IX. Regarding disposal of confiscated specimens, especially live specimens**

20. RECALLS that Management Authorities decide on the disposal of confiscated live specimens, in consultation with their Scientific Authority, the State of export and the Secretariat, as appropriate, and in accordance with Article VIII of the Convention and Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*;
21. FURTHER RECALLS that Management Authorities designate rescue centres for seized and confiscated living specimens in accordance with Article VIII, paragraph 5, of the Convention and Resolution Conf. 17.8 on *Disposal of illegally traded and confiscated specimens of CITES-listed species*; and

**X. Regarding awareness-raising**

22. URGES Management Authorities to raise awareness of the Convention with the youth, local communities, the private sector, non-governmental organizations, botanical gardens, zoos, tourist organizations, commercial transport companies, the wider public and other stakeholders, including through coordinating the celebration of World Wildlife Day and through the development of workshops and seminars.