

Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

General guidance notes for Importers and Exporters

These notes are for guidance only and are not a full statement of the law. If you need points of law to be explained, you should get independent legal advice.

Contents

- Introduction
- Import, export and re-export controls
- Types of permits and certificates
- How do I apply
- Supporting documents
- Validity of permits
- Replacement and retrospective permits
- Importing, exporting and re-exporting personal and household belongings
- Importing and exporting CITES listed items by post
- Turnaround times and Customer Charter
- Release of information
- Enquiries desk
- List of Guidance Notes

1 Introduction

The Convention on International Trade in Endangered Species of wild fauna and flora (CITES) is an international agreement controlling trade in endangered species, including dead specimens, parts of them, anything made from them and antiques. The regulation of trade is based on a system of permits and certificates which may only be issued where certain conditions are met. These cover import, export, re-export and all commercial uses.

In the European Union, the Convention is enforced by **Council Regulation 338/97 and Commission Regulation 865/2006**, which set out the rules for importing, exporting, re-exporting and commercial use of CITES species. The types of species which are controlled are listed in Annexes A to D of the Council Regulation – you can get copies of these from the enquiries desk.

You will need a separate certificate to use commercially any Annex A specimen within the EU. It is also an offence to use commercially, any specimens listed in Annex B that were imported illegally. Under the regulations, the term 'commercial' means selling, keeping for sale, offering for sale, transporting for sale and using for commercial purposes (including display to the public for commercial purposes). It also means the buying, offering to buy, and obtaining for commercial purposes. Transactions that take place over the Internet are included in these definitions. Guidance Note (GN) 2 gives more information about commercial use.

2 Import, export and re-export controls

The species that the legislation applies to are listed in four Annexes to the Council Regulation (A to D) as follows :

- **Annex A** - all CITES Appendix I species, plus certain others (including some non-CITES species) that are considered to need a similar level of protection.
- **Annex B** - all CITES Appendix II species, plus certain others (including some non-CITES species) that are considered to need a similar level of protection.
- **Annex C** - all CITES Appendix III species, apart from those which EU countries have 'entered a reservation' for and are included in annex D. The effect of a reservation is that CITES no longer applies to the country entering it for the species concerned. For example, all EU countries have entered a reservation for certain species of weasel listed in CITES Appendix III. Within the EU those species have no CITES Appendix status but are still treated as Appendix III species outside of the EU.
- **Annex D** - certain non-CITES species that have been imported into the EU in high enough numbers to need monitoring.

Annex A specimens that have been bred in captivity or artificially propagated are treated as Annex B specimens, except for the purpose of controlling sales. However, captive breeding is more involved than just breeding in a cage, aviary or enclosure and you should ask us if you not sure if your specimen would be considered captive bred.

We can also restrict certain species being imported, moved or held if we believe it is necessary to protect them.

3 Types of permits and certificates

EU CITES management authorities issue the following types of documents.

- A permit for importing, exporting or re-exporting annex A or B specimens, or for exporting or re-exporting Annex C specimens. The customs stamped holder's copy of the EC import permit may also be used to confirm that the specimens were imported legally.

In some circumstances, import permits may be issued for Annex A specimens, with a special condition that allows a captive bred specimen to be sold once, by the person named on the import permit without the need for an additional certificate known as an Article 10 Certificate. For this to be allowed the imported specimen(s) must be marked in accordance with the Regulation. Any subsequent holder of the specimen will require an additional certificate to use it commercially.

More details are given in GN2.

- A certificate issued under Article 10 of Regulation 338/97 to authorise the commercial use or movement of certain Annex A specimens, or to confirm that Annex A to C specimens were acquired or imported legally. Again GN2 gives more details about these certificates.
- An import notification form for annex C and D specimens, which the importer fills in themselves prior to import.

- A certificate issued to zoos, museums, botanical gardens or other scientific institutions under Article 60 (previously known as an Article 30) of Regulation 865/2006 authorising the display and limited commercial use of any Annex A specimens in their collection. You can get an information pack from the enquiries desk.
- A permit to allow the multiple import and (re)-export of personal pets to and from the EU. More information relating to the requirements for this licence are given in GN18.
- A permit to allow the multiple import and (re)-export of specimens of plants and animals used by circuses or other traveling exhibitions. More information relating to the requirements for this licence are given in GN4.
- Semi-complete (re)-export permits for registered persons or organisations to export of dead specimens listed on Annexes B and C. These may be of interest to auctioneers and antique dealers as well as taxidermists. More information relating to the requirements for this licence are given in GN7.
- Semi-complete permits and certificates allowing the trade in specific biological specimens from species listed on Annex A – C. In this particular case applying is a two stage process. You will need to formally register yourself or your organization with us in the first instance. But you will need to do this only once every five years. You will also need to tell us of all the types of specimens you intend to use, and we will need to be satisfied that the issue of multiple licences for the specimens will not harm the conservation status of the species. We will then be able to issue you with both the required licences and labels for the packages.
- A label authorising specimens to be moved between registered scientists and scientific institutions. This only applies to non-commercial loans, donations and exchanges of herbarium specimens, preserved, dried or contained in museum specimens and live plant material for scientific study.

Specific guidance notes are available for specialist traders, breeders and scientists. A full list is given at the end of this note.

4 How do I apply

All applications require an application form which can be obtained from our website or from the enquiries desk. There is separate guidance explaining how the application form should be completed.

As the applicant, it is your responsibility to supply all the information required to process your application so you should fill in as much of the information as you can. The application form is a signed legal declaration by you that the information you have given is correct.

All applications are referred to our Scientific Advisors the Joint Nature Conservation Committee (JNCC) or the Royal Botanical Gardens at Kew, for scientific advice and the more information you are able to supply with your application the more quickly it will be processed. It is not part of our role to pursue information on your behalf. If there is not enough information, it is possible your application may be refused.

When you fill in your application form you must :

- Give us a full description of the item or specimen, including details of all marks, tags, microchip numbers, ring numbers, and other identifying features in the description box.
- Use the description, source and purposes codes set out in the completion guidance at all times.
- Confirm that any **rings fitted to birds are closed rings** rather than split rings. Closed rings are continuous bands with out any breaks.
- Include evidence that the specimen was lawfully acquired.

It would be useful to include a telephone number or an e-mail address so we can contact you quickly if we need to. If you have any difficulty with the application form please contact us and we will be happy to help you.

You should also note the following:

Any wild or first generation captive bred Annex A specimens can only be imported for scientific, breeding, propagation or educational purposes that will not harm the survival of the species in the wild. They cannot be used for primarily commercial purposes.

- Imported specimens must be legally obtained in the country of origin.
- Importing, capturing or collecting specimens from the wild must not harm the conservation of the species in the wild.
- For live animal specimens, the accommodation must be adequately equipped to protect and care for them.
- There must be no other conservation factors that would prevent the permit being issued.

Similar conditions also apply to export and re-export applications. However, these conditions do not apply to re-imported specimens.

Species listed in Annexes C and D are controlled mainly for monitoring purposes. For these species, you must fill in an import notice form and give it to HM Revenue and Customs before the specimens arrive, together with the relevant export permits or certificates of origin issued by the management authority in the exporting country.

5 Supporting documents

Your application for an **import permit** must be supported by the following documents.

- For all Annex A and B specimens, a copy of the (re)export permit issued by the exporting country.
- For imports of certain live animal specimens, evidence confirming that the proposed accommodation is adequately equipped to protect and care for them.

Your application for an **export or re-export** permit must be supported by the following documents.

- For specimens taken from the wild and listed in Appendix I of CITES, a copy of the permit issued by the importing country.

- For exports, evidence confirming the specimens were legally removed from the wild, bred in captivity or artificially propagated.
- For re-exports, evidence confirming the specimens were imported into the EU after 1975 in line with the relevant regulations, or confirmation that they were imported before the convention applied to them.

You must tell us if the application for a permit or certificate for the specimen has already been rejected by another EU country.

6 Validity of permits

For permits to be valid the following conditions must be met.

- In most cases EU import, export and re-export permits are valid for six months from the date they are issued. The expiry date is clearly shown on each permit. We do not accept export permits from other countries that have a validity date of more than six months. Where an export permit from another country has a an expiry date of less than six months, the expiry date of the UK permit will be the same as this date. So it is possible under some circumstances that the validity date of your UK permit may be less than six months.
- Used import permits issued for live specimens are no longer valid if the specimens have died, escaped or been destroyed.
- Certificates of origin issued by non-EU countries are accepted for up to twelve months after the date they were issued.

7 Replacement permits

We may issue replacements for permits that have been cancelled, lost, stolen or destroyed.

8 Retrospective permits

These are permits applied for after an import, export or re-export has taken place instead of beforehand. The regulations tell us we may issue retrospective permits only under certain very specific circumstances. You **must** tell us if your application for a permit is retrospective.

Retrospective import permits can only be issued for :

- Annex B and C specimens;
- re-imported Annex A specimens (that is, specimens that are not being imported into the EU for the first time);
- worked Annex A specimens acquired before 1 June 1947.

Retrospective export and re-export permits can only be issued for:

- Annex B and C specimens;
- worked Annex A specimens acquired before 1 June 1947.

We will only issue retrospective permits if the import, export or re-export is legal.

9 Importing, exporting and re-exporting personal and household belongings

Belongings like these are referred to in the EC Regulations as 'personal and household effects'. The regulations have a 'derogation' (which means an exception to the usual rules) allowing import, export or re-export of these items without having to get permits. There are strict conditions to meet for the derogation to apply. See tables 1 and 2 attached to this note. **If you are in any doubt please contact us for advice.**

10 Importing and exporting CITES listed items by post

All CITES import and (re)export permits must be stamped by the appropriate customs authorities. Items that are posted to destinations outside the EU by Royal Mail, Parcel Force Worldwide or any other organisation or method must therefore be declared to HM Revenue and Customs.

Under international postal agreements the sender must complete a **Customs Declaration CN22 or CN23** depending on the value of the item. This declaration includes a description of the goods, the value and whether they are gifts or commercial items.

It is also in your own interest to ensure, wherever possible, that any sender abroad makes a complete and accurate declaration. If no declaration is made, or the information is inaccurate, the package may be delayed while further enquiries are made, or in some cases the package and its contents may be seized.

If you are exporting CITES items you will also require a '**C&E 83A Label – Exported by Post under Customs and Excise Control**'. This can be obtained from :

Cardiff 1 Contact Centre
National Advice Service
Portcullis House
21 Cowbridge Road East
Cardiff CF11 9SS

Fax: 02920 386 444 or by phoning the advice line on 0845 010 9000.

Customs Declaration CN22 and CN23 can be obtained from any Post Office. All documents should be sealed in a clear plastic folder on the outside of the parcel.

11 Turnaround times and Customer Charter

We have published a Customer Charter as part of the Government's service initiative to raise standards of public service. We aim to process 90% of complete licence applications within 15 working days and the remainder within 30 working days. You should allow this amount of time for your application to be processed. Copies of the Service Charter can be obtained from the enquiries desk.

12 Release of Information

Information supplied in applications may be used for the purposes of monitoring compliance of EC Regulations 338/97 and 865/2006 and the investigation of possible offences. The information may be passed to HM Revenue and Customs under the provisions of Article 14 of Regulation 338/97 and to the Police and the National Wildlife Crime Unit (NWCU) for the purposes of gathering and analysing intelligence on possible wildlife crimes. Information (including personal data) may also be released on request to other enforcement authorities, under the Environmental Information Regulations, the Code of Practice on Access to Government Information and the Freedom of Information Act 2000.

It is a condition of making an application that you agree to the Department passing on information to these organisations.

13 Enquiries desk and application forms

If you have any queries or would like an application form, write to or phone our enquiries desk at

The Department for Environment, Food and Rural Affairs
Wildlife Licensing and Registration Service
Floor 1, Zone 17
Temple Quay House
2 The Square
Bristol
BS1 6EB.

Phone: 0117 372 8692 (Bird Registration and Article 10 applications for birds of prey)

Phone: 0117 372 8691 or 0117 372 8168 (all other Article 10 and all CITES import and export applications).

Fax: 0117 372 8206

E-mail: wildlife.licensing@defra.gsi.gov.uk

Website: www.defra.gov.uk/wildlife-countryside/index.htm

You can also visit: www.ukcites.gov.uk and

www.wcmc.org.uk/species/trade/eu/tradereg.html

Other guidance notes in this series:

- GN2 General Notes on commercial use
- GN3 Tortoise traders
- GN4 Circuses and travelling exhibitions
- GN5 Breeders
- GN6 Bird of prey keepers
- GN7 Antique dealers
- GN8 Wildfowl and pheasant keepers
- GN9 Primates
- GN10 Taxidermists
- GN11 Charges for CITES permits
- GN12 Zoos and scientific institutions
- GN13 Wild Disabled Birds
- GN14 Information for Parrot Keepers
- GN15 Information for Timber Traders
- GN16 Use of CITES labels by Scientific Institutions
- GN17 Waiving of Fees
- GN18 Import and (re) export of personal pets
- GN19 Advice for traders in Caviar

European Commission Regulation 868/2006: Personal effects derogation (PED)

Importing personal and household belongings

If the derogation applies, you do not need an import permit. Personal and household belongings include hunting trophies and holiday souvenirs but not live specimens. The derogation does not apply to specimens that are used for commercial gain, sold, displayed for commercial purposes, kept for sale, offered for sale or transported for sale. Only hunting trophies and household removal containers of people moving to a European Union (EU) country may be transported separately from the importer. For the derogation to apply, all other specimens must be contained in the traveller's personal luggage. A person normally living in the EU means living there for at least 185 days in each calendar year for occupational or personal reasons which show close links between that person and the place where he or she is living.

EC Annex listing	People normally living in the EU (and those moving to the EU if specimens are Annex A)	People not normally living in the EU (including those moving to the EU if specimens are Annex B)	First introduction to the EU	Re-introduction to the EU	Does the PED apply?	Conditions
Annex A	Yes		Yes		No	You need a UK import permit.
Annex A	Yes			Yes	Yes	You do not need a UK import permit if you can present one of the following at the time of import. <ul style="list-style-type: none"> • A 'copy for the holder' of a previously used EU import or export permit that has been stamped by HM Customs. • The original and a copy of the export or re-export document. • Proof that the specimen was bought within the EU.
Annex A		Yes	Yes		Yes	None
Annex A		Yes		Yes	Yes	None
Annex B	Yes		Yes		Yes	You do not need a UK import permit for any specimens if you can present the original and a copy of the export or re-export document. Each person can import up to 250 grams of caviar (<i>Acipenseiformes spp</i>), up to three rainsticks of <i>Cactaceae spp</i> , up to four items containing <i>Crocodyllia spp</i> (excluding meat and hunting trophies) and three shells of Queen Conch (<i>Strombus gigas</i>), without having to give any documents to HM Revenue Customs.
Annex B	Yes			Yes	Yes	You do not need a UK import permit if you can present one of the following to HM Customs at the time of import. <ul style="list-style-type: none"> • A 'copy for the holder' of a previously used EU import or export permit that has been stamped by HM Customs. • The original and a copy of the export or re-export document. • Proof that the specimen was bought within the EU. [Please note that the exemptions for caviar and rainsticks, Queen Conch and <i>Crocodyllia</i> also apply to re-imported specimens.]
Annex B		Yes	Yes		Yes	None
Annex B		Yes		Yes	Yes	None

European Commission Regulation 865/2006: Personal effects derogation (PED)

Exporting and re-exporting personal and household belongings

If the derogation applies, you do not need an export or re-export permit. Personal and household belongings include hunting trophies and holiday souvenirs but not live specimens. The derogation does not apply to specimens that are used for commercial gain, sold, displayed for commercial purposes, kept for sale, offered for sale or transported for sale. Only household removal containers of people leaving the EU may be transported separately from the importer. For the derogation to apply, all other specimens must be contained in the traveller's personal luggage.

EC Annex listing	Person living in the UK	Person not living in the EU or moving out of the EU	Exportation from the EU	Re-exportation from the EU	Does the PED apply?	Conditions
Annex A	Yes		Yes		No	You need a UK export permit
Annex A	Yes			Yes	Yes	You do not need a UK re-export permit if you can present one of the following at the time of re-export. <ul style="list-style-type: none"> • A 'copy for the holder' of a previously used EU import or export permit that has been stamped by HM Customs. • A copy of the export or re-export document presented at the time of import. • Proof that the specimen was bought within the EU.
Annex A		Yes	Yes		No	You need a UK export permit.
Annex A		Yes		Yes	Yes	None
Annex B	Yes		Yes		No	You need a UK Export permit apart from quantities of caviar (<i>Acipenseiformes spp</i>) of 250 grams or less or no more than three rainsticks of <i>Cactaceae spp</i> for more than four dead worked items containing <i>Crocodyllia spp</i> (excluding meat and hunting trophies), or more than three shells of Queen Conch (<i>Strombus gigas</i>), for each person.
Annex B	Yes			Yes	Yes	You do not need a UK re-export permit apart from over 250 grams of caviar (<i>Acipenseiformes spp</i>) or more than three rainsticks of <i>Cactaceae spp</i> , for more than four dead worked items containing <i>Crocodyllia spp</i> (excluding meat and hunting trophies) and more than three shells of Queen Conch (<i>Strombus gigas</i>), for each person, if you can present one of the following at the time of re-export. <ul style="list-style-type: none"> • A 'copy for the holder' of a previously used EU import or export permit that has been stamped by HM Customs. • A copy of the export or re-export document presented at the time of import. • Proof that the specimen was bought within the EU.
Annex B		Yes	Yes		No	You need a UK export permit apart from quantities of caviar (<i>Acipenseiformes spp</i>) of 250 grams or less or no more than three rainsticks of <i>Cactaceae spp</i> for more than four dead worked items containing <i>Crocodyllia spp</i> (excluding meat and hunting trophies) and more than three shells of Queen Conch (<i>Strombus gigas</i>), for each person.
Annex B		Yes		Yes	Yes	None