



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

General guidance 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.

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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 may 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 (except birds), with a special condition that allows a captive bred specimen to be used for one sale 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. If you want your import permit to allow this additional commercial use **you must request this special condition when you apply for your permit.**

Note: this option is not available for live birds which cannot be imported for trade purposes.

More guidance on commercial use is 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 travelling 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.
- Semi-complete permits 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 organisation 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 notification 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 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 the tables attached to this note. **If you are in any doubt please contact us for advice.**

10 Importing and exporting CITES listed items by post

Where these goods are imported or exported via the postal system, it is the sender's responsibility to obtain the appropriate documents and submit them to the UK Border Agency for endorsement.

All CITES import and (re)export permits must be stamped by the appropriate customs authorities. CITES documents travelling with the goods should be attached to the outside of the parcel in a sealed clear plastic folder.

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 by the UK Border Agency.

Export

CITES items that are posted to destinations outside the EU by Royal Mail, Parcel Force Worldwide or any other organisation must be declared to the UK Border Agency before they leave the UK.

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. Customs Declaration CN22 and CN23 can be obtained from any Post Office.

Anyone exporting CITES items 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

Telephone advice line 0845 010 9000

It will make the process more efficient if the exporter contacts Parcel Force Worldwide (the postal organisation at the Coventry International Hub) in advance of the export to let them know when they are intending to export CITES controlled items. The parcel tracking system can then be used to identify the parcels when they arrive in the depot, and they will be passed to the UK Border Agency for checking and endorsement of the CITES permit prior to export.

Import

Parcels containing CITES controlled goods should also be accompanied by **Customs Declaration CN22 or CN23** when coming in from a non-EU country. Although the sender is responsible for making a complete and accurate declaration it is in the interest of the importer to ensure that this is done correctly. Public notice 143 states "if no declaration is

made, or the information given is inaccurate, the postal package will be delayed while further enquiries are made or in some cases the package and its contents may be seized.”

Declarations that consignments contain animal or plant material accompanied by CITES permits are passed to the UK Border Agency for checking before they are allowed to enter the UK.

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 Animal Health passing on information to these organisations.

13 Enquiries desk and application forms

If you have any questions or would like an application form, please contact the enquiries desk (see contact details below) or down-load them from the website.

Animal Health
Wildlife Licensing and Registration Service (WLRS)
Floor 1, Zone 17
Temple Quay House
2 The Square
Bristol
BS1 6EB

Phone: 0117 372 8774
Fax: 0117 372 8206
E-mail: wildlife.licensing@animalhealth.gsi.gov.uk
Website: <http://www.defra.gov.uk/animalhealth/cites/>

14 List of Guidance Notes available

GN1	General guidance for Importers and Exporters
GN1A	Simple guidance for first time Importers and Exporters
GN2	General Notes on commercial use
GN2A	Simple guidance for first time applicants (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
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

Unidentified or Not Readily Recognisable Species

Article I of the Convention and Article 2(t) of Council Regulation (EC) 338/97 requires that, where specimens are identified as a controlled species, then readily recognisable parts and derivatives of that species are also controlled. The term "readily recognizable part or derivative" was interpreted by Conference Resolution 9.6 to include "any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in the appendices, unless such part or derivative is specifically exempted from the provisions of the Convention".

We recognise that sometimes it can be difficult to identify a specimen. If a specimen cannot be identified then permits are not required. The onus is on the applicant to ensure that every effort has been made to identify the specimen where possible. If it can be identified then it should be. A customs official could deem a specimen readily recognizable so it is essential that you are certain if it is not. If you are unsure you might want to consult an expert as an error could result in an item being seized.

Import and Export

Import and export permits are not required for not readily recognisable specimens, unless they are known to come from a controlled species. Our advice to (re)-exporters is that they check with the management authority of the country of import before proceeding, as their interpretation may differ. Importers should check with the CITES Management Authority in the country of export. If no export permit is issued because the specimen is not identifiable nothing is required from us either. However, please note if the other CITES Management Authority requires a permit, we would only consider an application if it was made for a controlled species (with the species name).

Article 10s

Not required for not readily recognisable specimens unless known to come from a CITES listed species for the same reasons as above.

Some Exceptions to Identifying a Controlled Species

If the packaging states that it contains a controlled species (e.g. a traditional Asian medicine states that it contains tiger bone), it is controlled even if the specimen within the packet doesn't contain any tiger bone.

Some animals and plants are listed as a group by genus or family e.g. Testudinidae spp (all Tortoises) and Orchidaceae (all Orchids). Where this is the case, if it can be identified that the specimen is from e.g. a tortoise, it is controlled, even though the actual species may not be known.

If there are possible conservation implications (e.g. the item may be a medicinal product containing derivatives of an endangered group such as sea turtles, but the exact species is not known), the policy is to treat the specimen as if it is of the most protected species in the group and apply the licensing rules accordingly.

European Commission Regulation 865/2006: 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 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. • A copy of the export or re-export document. • Proof that the specimen was acquired 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 of an (re) export permit and a copy thereof. However, the following items can be imported without the need for any documents * <p>Per Person:</p> 125 grams of caviar (<i>Acipenseiformes spp</i>), in containers that are individually marked in accordance with Article 66(6) 3 rainsticks of <i>Cactaceae spp</i> , 4 worked items containing <i>Crocodyllia spp</i> (excluding meat and hunting trophies), 3 shells of Queen Conch (<i>Strombus gigas</i>), 4 dead specimens of seahorse (<i>Hippocampus spp</i>) 3 specimens of giant clam (<i>Tridacnidae spp</i>) not exceeding 3kg in total, where a specimen may be 1 intact shell or 2 matching halves.
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. • A copy of the export or re-export document. • Proof that the specimen was acquired within the EU. However, some items can be re-imported without the need for any documents. See *
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 EU	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 acquired 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. However, the following items can be exported without the need for any documents * Per Person: 125 grams of caviar (<i>Acipenseiformes spp</i>), in containers that are individually marked in accordance with Article 66(6) 3 rainsticks of <i>Cactaceae spp</i> , 4 worked items containing <i>Crocodyllia spp</i> (excluding meat and hunting trophies), 3 shells of Queen Conch (<i>Strombus gigas</i>), 4 dead specimens of seahorse (<i>Hippocampus spp</i>) 3 specimens of giant clam (<i>Tridacnidae spp</i>) not exceeding 3kg in total, where a specimen may be 1 intact shell or 2 matching halves.
Annex B	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 acquired within the EU. However, some items can be re-exported without the need for any documents. See *
Annex B		Yes	Yes		No	You need a UK export permit. However, some items can be exported without the need for any documents. See *
Annex B		Yes		Yes	Yes	None