

TITLE 50--WILDLIFE AND FISHERIES

Chapter I--United States Fish, Wildlife Service

Subchapter B--Taking, Possession, Transportation, Sale, Purchase, Barter,
Exportation, and Importation of Wildlife and Plants

Part 23--Endangered Species Convention

Subpart A--Introduction

s 23.2 Scope of regulations.

(a) The regulations of this part apply only to wildlife and plants listed in Appendix I, II or III to the Convention, listed herein in s 23.23 for the convenience of the public. It should be noted that many species listed in Appendix I, II or III are also listed in Part 17 (endangered and threatened species) or Part 18 (marine mammals), and are subject to additional regulations in those parts or in Part 216 (marine mammals) or Parts 217-225 (endangered and threatened species) for species under jurisdiction of the National Marine Fisheries Service.

s 23.3 Definitions.

In addition to the definitions contained in Parts 10 and 17 of this subchapter, and unless the context requires otherwise, in this part:

"Appendix I" means the list of wildlife and plants called "Appendix I" and attached to the Convention (see s 23.23 for the list).

"Appendix II" means the list of wildlife and plants called "Appendix II" and attached to the Convention (see s 23.23 for the list).

"Appendix III" means the list of wildlife and plants called "Appendix III" and attached to the Convention (see s 23.23 for the list).

"Convention" means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249.

"Management Authority" means a national management authority officially designated by a party to implement the present Convention, including the granting of permits or certificates for Convention purposes on behalf of the party.

"Party" means a country for which the Convention has entered into force, by virtue of ratification or accession.

"Re-export" means export of wildlife or plants that have previously been imported.

"United States" means all of the several states, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, the Virgin Islands, Guam, and the Trust Territory of the Pacific Islands.

s 23.4 Parties to the Convention.

The following countries are currently parties to the Convention. The name and address of the management authority is included under the name of each country. This list is for the convenience of the public, and does not preclude the application of regulations in this Part 23 to importation, exportation or re-exportation to or from other countries.

Australia

The Bureau of Customs, Department of Business and Consumer Affairs, Canberra, Act 2600, Australia.

Brazil

Instituto Brasileiro de Desenvolvimento, Florestal (IBDF) do Ministério da Agricultura, Palácio do Desenvolvimento, Setor Bancário Norte, 13 degrees andar, 70000 Brasília--DF Brazil.

Canada

The Administrator, Convention on International Trade in Endangered Species,
Canadian Wildlife Service, Department of the Environment, Ottawa, Ontario, K1A
OH3, Canada.

Chile

Servico Agrícola y Ganadero (SAG), Ministerio de Agricultura, Santiago, Chile.

Costa Rica

Departamento de Pesca Continental y Vida Silvestre, Ministerio de Agricultura y
Ganaderia, San Jose, Costa Rica.

Cyprus

Ministry of Agriculture and Natural Resources, Nicosia, Cyprus.

Ecuador

Ministerio de Agricultura y Ganaderia, Quito, Ecuador.

Federal Republic of Germany

Bundesminister für Ernährung Landwirtschaft und Forsten, Rochusstrasse 1,
5300 Bonn-Duisdorf, Federal Republic of Germany.

Finland

Maa- ja Metsäministerio, Ministry of Agriculture and Forestry, Bureau
of Natural Resources, Hallituskatu 3 A, 00170 Helsinki 3 A, Finland.

German Democratic Republic

Ministerium für Land, Forst und Nahrungsgüterwirtschaft, der Deutschen
Demokratischen Republik, DDR-1157 Berlin, German Democratic Republic.

Ghana

Department of Game and Wildlife, P.O. Box M 239, Accra, Ghana.

India

The Director of Wildlife Preservation, Government of India, Ministry of
Agriculture and Irrigation, Department of Agriculture, Krishi Bhavan, New
Delhi-110001, India.

Iran

Department of the Environment, P.O. Box 1430, Tehran, Iran.

Malagasy Republic

Direction des Eaux et Forets et de la Conservation des Sols, B.P. 243,
Tananarive.

Mauritius

The Conservator of Forests, Forest Service, Curepipe, Mauritius.

Morocco

Comite National de l'Environnement, Direction de l'Environnement, Ministe 1re de
l'Urbanisme, de l'Habitat, du Tourisme et de l'Environnement, Rabat, Morocco.

Nepal

Not available.

Niger

Ministere de l'Economie rurale, et du Climat, Niamey, Niger.

Nigeria

Not available.

Norway

The Royal Ministry of Environment, Myntgaten 2, P.O. Box 8012 Oslo-Dep., N--
Oslo 1, Norway.

Pakistan

Mr. A.M. Khattak, Inspector General of Forests/Member Secretary, Government of
Pakistan, Ministry of Food, Agriculture, Cooperatives, Under-Developed Areas
and Land Reforms (Food and Agriculture Division), National Council for
Conservation of Wildlife, Bungalow No.: 4-G, St. No.: 51, F.6/Islamabad,
Pakistan.

Papua New Guinea

The Conservator of Fauna, Department of Natural Resources, P.O. Box 2585,
Konedobu, Papua, New Guinea.

Paraguay

Not available.

Peru

Direccion General Forestal y de Fauna, Natalio Sanches 220, 3er. piso, Jesu 1s Maria, Lima, Peru.

South Africa

The Secretary, Department of Planning and the Environment, Private Bag X 213, Pretoria 0001, South Africa.

Sweden

Lantbruksstyrelsen, Vallgatan 6, S-551 83 Jonkoping, Sweden.

Switzerland

Office veterinaire federal, Thunstrasse 17, 3005 Berne 6, Switzerland.

Tunisia

Direction des Forets, 36, rue Alain Savary, Tunis, Tunisia.

Union of Soviet Socialist Republics

Not available.

United Arab Emirates

Not available.

United Kingdom of Great Britain and Northern Ireland

Department of the Environment, 17/19 Rochester Row, London SW1P 1LN, England.

United States of America

Chief, Federal Wildlife Permit Office, U.S. Fish and Wildlife Service, U.S.

Department of the Interior, 18th and C Streets NW., Washington, D.C. 20240

U.S.A.

Uruguay

Presidente del Instituto Nacional para la Preservacion del Medio Ambiente,

Ministerio de Education y Cultura, Sarandi 444, Montevideo, Uruguay.

Zaire

Le Commissaire d'Etat a l'Environnement, Conservation de la Nature et Tourisme

Boite Postale 12348, Kinshasa/Gombe, Zaire.

(a) Unless the requirements in this Part 23 are met, or one of the exceptions in this Part 23 is applicable, it is unlawful for any person subject to the jurisdiction of the United States to commit, attempt to commit, solicit another to commit, or cause to be committed any of the acts described in paragraphs (b) through (d) of this section.

(b) Import

(b)(1) It is unlawful to import into the United States any wildlife or plant listed in Appendix I, II or III (see s 23.23) from any foreign country.

(b)(2) It is unlawful to import directly into the United States any wildlife or plant listed in Appendix I or II (see s 23.23) taken from the sea beyond the jurisdiction of any country.

(c) Export

It is unlawful to export from the United States any wildlife or plant listed in Appendix I, II or III (see s 23.23).

(d) Re-export

It is unlawful to re-export from the United States any wildlife or plant listed in Appendix I, II or III (see s 23.23).

(e) Possession

It is unlawful for any person subject to the jurisdiction of the United States to possess any wildlife or plant listed in Appendix I, II or III imported into the United States, or exported or re-exported from the United States contrary to the provisions of the Convention or this Part 23.

s 23.12 Requirements.

(a) Import

(a)(1) Appendix I. (i) In order to import into the United States any wildlife or plant listed in Appendix I from any foreign country, a United States import permit, issued pursuant to s 23.15, and a valid foreign export permit issued by the country of origin or a valid foreign re-export certificate issued by the country of re-export must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in Appendix I taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to s 23.15 must be obtained prior to such importation.

(ii)(2) Appendix II. (i) In order to import into the United States any wildlife or plant listed in Appendix II from any foreign country, a valid foreign export permit issued by the country of origin, or a valid foreign re-export certificate issued by the country of re-export, must be obtained prior to such importation.

(ii) In order to import directly into the United States any wildlife or plant listed in Appendix II taken from the sea beyond the jurisdiction of any country, a United States import permit issued pursuant to s 23.15, must be obtained prior to such importation.

(ii)(3) Appendix III. (i) In order to import into the United States any wildlife or plant listed in Appendix III from a foreign country that has listed such animal or plant in Appendix III, a valid foreign export permit or re-export certificate issued by such country must be obtained prior to such

importation.

(ii) In order to import into the United States any wildlife or plant listed in Appendix III from a foreign country that has not listed such wildlife or plant in Appendix III, a valid foreign certificate of origin or foreign re-export certificate must be obtained prior to such importation.

(b) Export or Re-export

(b)(1) Appendices I and II. In order to export or re-export from the United States any wildlife or plant listed in Appendix I or II, a United States export permit or re-export certificate, issued pursuant to s 23.15, must be obtained prior to such exportation or re-exportation.

(b)(2) Appendix III. (i) In order to export or re-export from the United States any wildlife or plant listed in Appendix III by the United States, a United States export permit or re-export certificate issued pursuant to s 23.15, must be obtained prior to such exportation or re-exportation.

(ii) In order to export or re-export from the United States any wildlife or plant listed in Appendix III that has not been listed by the United States, a re-export certificate or certificate of origin, issued pursuant to s 23.15, must be obtained prior to such exportation or re-exportation.

s 23.13 Exceptions.

(a) If any wildlife or plant listed in Appendix I, II or III is also subject to the regulations in Part 17 or Part 18 of this subchapter, the prohibitions and exceptions in those parts and in Part 23 shall apply. Exceptions in one part cannot be invoked to allow activities prohibited in another part.

(b) The prohibitions in s 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plant listed in Appendix I, II or III that are being transshipped through the United States provided such wildlife or plants remain in Customs custody.

(c) The prohibitions in s 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of origin or the country of re-export to the effect that the wildlife or plant was acquired prior to the date the Convention applied to it. See s 23.15 for rules on the issuance of such certificates.

(d) The prohibitions in s 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants that are accompanying personal baggage or part of a shipment of the household effects of persons moving their residences to or from the United States: Provided, That this exception shall not apply to:

(d)(1) Importation by U.S. residents of wildlife or plants listed in Appendix I that were acquired outside the United States; or

(d)(2) Importation by U.S. residents of wildlife or plants listed in Appendix II that were taken from the wild in a foreign country, if that country requires export permits.

(e) Wildlife or plants listed in Appendix I that have been bred in captivity or artificially propagated, for commercial activities, shall be treated as if listed in Appendix II.

(f) The prohibitions in s 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to wildlife or plants when a certificate has been issued by the management authority of the country of export to the effect that the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom. See s 23.15 for rules on the issuance of such certificates.

(g) The prohibitions in s 23.11 (b) through (d) concerning importation, exportation and re-exportation shall not apply to herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material when they are imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions that have been registered by a management authority of their country, and when a label issued or approved by such management authority is clearly affixed to the package or container. See s 23.15 for rules on registration and issuance or approval of labels.

s 23.14 Foreign documentation.

(a) Party countries

Only export permits, re-export certificates, certificates of origin, or other certificates issued and signed by a management authority will be accepted as a valid foreign document from a country that is a party to the Convention.

(b) Countries that are not parties

The requirements in this Part 23 apply to all wildlife and plants listed in Appendix I, II or III to the Convention, whether the shipment is to or from a country that is party to the Convention, or to or from any other country. In the case of a shipment from a country not party to the Convention, documents

containing information corresponding to that required by the regulations in this Part 23 may be accepted. Such documents may be in the form of an export or import permit, a letter from the proper authority, or any other form that clearly indicates the nature of the document. Such documents must:

(b)(1) Be issued by an official of the country responsible for authorizing the export of such wildlife or plants;

(b)(2) Specify the species (or taxa to the rank listed in Appendix I, II or III) and give the numbers of wildlife or plants covered by the document; and

(b)(3) Contain the following statement or its equivalent:

I, -----, (Signing official), hereby certify that the shipment of wildlife or plants covered by this document is in accordance with the laws of ----- (Country), will not be detrimental to the survival of the species in the wild, and, if living, will be transported in a manner which will minimize the risk of injury, damage to health, or cruel treatment.

s 23.15 Permits and certificates.

(a) In order to import, export or re-export wildlife or plants listed in Appendix I, II or III that are also listed as endangered or threatened and subject to regulations in Part 17 of this subchapter, the requirements in both Part 17 and Part 23 must be met. A single application meeting the appropriate application requirements in Part 17 will also meet the application requirements in Part 23.

(b) In order to import wildlife listed in Appendix I, II or III that are marine mammals subject to regulations in Part 18 of this subchapter, the

requirements in both Part 18 and Part 23 must be met. A single application meeting the application requirements in Part 18 will also meet the application requirements in Part 23.

(c) Application requirements for permits or certificates to import, export or re-export wildlife or plants listed in Appendix I, II or III that are not subject to the regulations in Part 17 or Part 18 of this subchapter. Applications for permits or certificates under this section must be submitted to the Director by any person subject to the jurisdiction of the United States who wishes to engage in the activity. Each application must be submitted on an official application form (Form 3-200) provided by the Service, or must contain the general information and certification required by s 13.12(a) of this subchapter, and must include, as an attachment, as much of the following information as relates to the purpose for which the applicant is requesting a permit or certificate.

(c)(1) The scientific and common names of the species (or taxa to the rank listed in Appendix I, II or III) sought to be covered by the permit, the number of wildlife or plants, and the activity sought to be authorized (such as importing, exporting, re-exporting, etc.);

(c)(2) A statement as to whether the wildlife or plant, at the time of application, (i) is living in the wild, (ii) is living but is not in the wild, or (iii) is dead;

(c)(3) A description of the wildlife or plant, including (i) size, (ii) sex (if known), and (iii) type of goods, if it is a part or derivative;

(c)(4) In the case of living wildlife or plants, (i) a description of the

type, size and construction of any container the wildlife or plant will be placed in during transportation; and (ii) the arrangements for watering and otherwise caring for the wildlife or plant during transportation;

(c)(5) The name and address of the person in a foreign country to whom the wildlife or plant is to be exported from the United States, or from who wildlife or plant is to be imported into the United States;

(c)(6) The country and place where the wildlife or plant was or is to be taken from the wild;

(c)(7) In the case of wildlife or plants listed in Appendix I to be imported into the United States, (i) a statement of the purposes and details of the activities for which the wildlife or plant is to be imported; (ii) a brief resume of the technical expertise of the applicant or other persons who will care for the wildlife or plant; (iii) the name, address and a description, including diagrams or photographs, of the facility where the wildlife or plant will be maintained; and (iv) a description of all mortalities, in the two years preceding the date of this application, involving any wildlife species covered in the application (or any species of the same genus or family) held by the applicant, including the causes and steps taken to avoid such mortalities; and

(c)(8) Copies of documents, sworn affidavits or other evidence showing that either (i) the wildlife or plant was acquired prior to the date the Convention applied to it, or (ii) the wildlife or plant was bred in captivity or artificially propagated, or was part of or derived therefrom, or (iii) the wildlife or plant is an herbarium specimen, other preserved, dried or embedded museum specimen or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific

institutions.

(d) Issuance criteria

Upon receiving an application completed in accordance with paragraph (a), (b) or (c) of this section, the Director will decide whether or not a permit or certificate should be issued. In making his decision, the Director shall consider in addition to the general criteria in s 13.21(b) of this subchapter, the following factors:

(d)(1) Whether the proposed import, export or re-export would be detrimental to the survival of the species;

(d)(2) Whether the wildlife or plant was acquired lawfully;

(d)(3) Whether any living wildlife or plant to be exported or re-exported will be so prepared and shipped as to minimize the risk of injury, damage to health or cruel treatment;

(d)(4) Whether any living wildlife or plant to be imported directly into the United States from the sea beyond the jurisdiction of any country will be so handled as to minimize the risk of injury, damage to health or cruel treatment;

(d)(5) Whether an import permit has been granted by a foreign country, in the case of proposed export or re-export from the United States of any wildlife or plant listed in Appendix I;

(d)(6) Whether the proposed recipient of any living wildlife or plant listed in Appendix I to be imported into the United States is suitably equipped

to house and care for such wildlife or plant;

(d)(7) Whether any wildlife or plant listed in Appendix I to be imported into the United States is to be used for primarily commercial activities; and

(d)(8) Whether the evidence submitted is sufficient to justify an exception, in the case of (i) wildlife or plants that were acquired prior to the date the Convention applied to them; (ii) wildlife or plants that were bred in captivity or artificially propagated, or were part of or derived there from; or (iii) wildlife or plants that are herbarium specimens; other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a noncommercial loan, donation or exchange between scientists or scientific institutions.

(d)(9) Whether in the case of wildlife or plants listed in Appendix II, they are the subject of a large volume of trade and are not necessarily threatened with extinction.

(e) Permit or certificate conditions

In addition to the general criteria set forth in Part 13 of this subchapter, permits or certificates issued under this section shall be subject to the following special conditions:

(e)(1) Any permit must be presented to a Service agent at a designated port of entry upon importation into the United States or prior to exportation or re-exportation from the United States:

(e)(2) Where appropriate and feasible, the Service may require that an

identifying mark be affixed upon any wildlife or plant;

(e)(3) In the case of wildlife or plants that are herbarium specimens, other preserved, dried or embedded museum specimens, or live plant material to be imported, exported or re-exported as a non-commercial loan, donation or exchange between scientists or scientific institutions, the names and addresses of the consignor and consignee must be on each package or container. The letters "CITES" (acronym for the Convention), a description such as "herbarium specimens," and the code letters assigned by the Service to the scientist or scientific institution, must be entered on the Customs declaration form affixed to each package or container.

(f) Duration of permits or certificates

The duration of permits or certificates issued under this section shall be designated on the face of the permit or certificate, but in no case will export permits be valid for longer than six months.

s 23.21 Criteria for listing species. (Reserved)

s 23.22 Procedures for amending the appendices. (Reserved)

s 23.23 Species listed in Appendices I, II, and III.

(a) The list in this section includes species of wildlife and plants placed in Appendix I, II or III in accordance with the provisions of Articles XV and XVI of the Convention.

The list of species is organized as follows:

MAJOR GROUPS

Mammals Orders, in taxonomic sequence.

Birds Do.

Reptiles Do.

Amphibians Do.

Fishes Do.

Molluscs Classes.

Insects None.

Plants Families, in alphabetical sequence.

In each group, species are listed in alphabetical sequence. The scientific name takes precedence over the common name in determining if a species is listed.

(b) The appendix column of the list includes the annotation "pe" (=possibly extinct) for certain species. It also contains the names of Parties in species in Appendix III.

(c) For purposes of issuing United States certificates of exemption under Article VII(3), the date when the Convention applies to a species is the date when the inclusion of that species in the appendices enters into force under the terms of Article XV or XVI of the Convention. The date of first listing is retained if a species is transferred from one appendix to another or if a listed species is subsequently included with other species in the listing of a taxon above the species level. Such species are shown separately in this publication of the appendices. The date of a subsequent listing is used only if a species is entirely deleted from the appendices and is subsequently reincluded after an intervening period of time.

(d) All living or dead animals and plants in Appendix I or II and all readily recognizable parts and derivatives thereof are subject to the regulations of this Part, except for the following for plants in Appendix II: (1) Seeds, spores, and pollen (including pollinia) other than seeds of Cycadaceae spp., Stangeriaceae spp., and Zamiaceae spp.; (2) tissue cultures and flask seedling cultures; (3) parts and derivatives, other than roots and readily recognizable parts thereof, of *Panax quinquefolius*; (4) fruits and parts and derivatives thereof of naturalized or artificially propagated Cactaceae spp., and separate stem joints (pads) and parts and derivatives thereof of naturalized or artificially propagated species of *Opuntia* subgenus *Opuntia*; (5) separate leaves and parts and derivatives thereof of naturalized or artificially propagated *Aloe vera*; and (6) cut flowers of artificially propagated Orchidaceae spp., and fruits and parts and derivatives thereof of artificially propagated *Vanilla* spp. All living or dead animals and plants included in Appendix III, and readily recognizable parts and derivatives thereof (unless specified otherwise for particular species in the list) are subject to the regulations of this part.

(e) (Reserved)

(f) The list of species in the Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249; and Endangered Species Act of 1973, 87 Stat. 884, 16 U.S.C. 1531 et seq.