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CITES Regulations, 2010

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CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES) REGULATIONS

I, Buyelwa Sonjica, Minister of Water and Environmental Affairs, have made under section 97(1)(b)(iv) of the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004), the CITES Regulations in the Schedule hereto.

(Signed)

BUYELWA SONJICA

Minister of Water and Environmental Affairs

SCHEDULE**PART 1****INTERPRETATION (reg. 1)****1 Definitions**

(1) In these Regulations, unless the context indicates otherwise, a word or expression to which a meaning has been assigned in the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004), has the same meaning, and-

'artificially propagated' means plants grown under controlled conditions from seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules that either are exempt or have been derived from cultivated parental stock;

'bred in captivity' means the offspring, including eggs, born or otherwise produced in a controlled environment of parents that mated or otherwise transmitted their gametes in a controlled environment, as described in Resolutions Conference 10.16 (Rev.);

'certificate of origin' means the documents allowing the export of specimens of species listed in Appendix III when the specimens originated in a non-listing country;

'CITES' means the Convention on International Trade in Endangered Species of Wild Fauna and Flora, concluded in Washington, D.C. on 3 March 1973, as amended in Bonn on 22 June 1979;

'CITES Secretariat' means the Secretariat of CITES as referred to in Article XII of CITES;

'Conference of the Parties' the Conference of the Parties as referred to in Article XI of CITES;

'controlled environment' means an enclosure designed to hold CITES listed species in a way that-

- (a) prevents them from escaping;
- (b) facilitates intensive human intervention or manipulation in the form of the provision of-
 - (i) food or water;
 - (ii) artificial housing;
 - (iii) health care; or
- (c) facilitates the intensive breeding or propagation of a CITES listed species but excludes fenced land on which self-sustaining wildlife populations of that species are managed in an extensive wildlife system;

'country of origin' means the country in which a specimen has been taken in the wild or born or bred in captivity or artificially propagated, or introduced from the sea;

'cultivated parental stock' means the ensemble of plants grown under controlled conditions that are used for reproduction;

'customs' means the South African Customs Administration of the South African Revenue Service;

'customs officer' means a person employed on any duty relating to customs and excise by order or with the concurrence of the Commissioner in terms of the Customs and Excise Act, 1964 (Act 91 of 1964);

'customs legislation' means the Customs and Excise Act, 1964 (Act 91 of 1964), its Schedules, rules and notices published under the Act, as amended from time to time;

[Definition of 'customs legislation' substituted by GN R323 of 29 April 2014.]

'derivative' in relation to a CITES listed animal, plant or other organism, means any part, tissue or extract, of an animal, plant or other organism, whether fresh, preserved or processed, and includes any chemical compound derived from such part, tissue or extract;

'enforcement officer' means a member of the South African Police Service as defined in section 1 of the South African Police Service Act, 1995 (Act 68 of 1995), a customs officer, or a person appointed in terms of section 31B or 31C of the National Environmental Management Act, 1998 (Act 107 of 1998) for the purposes of enforcing these Regulations;

'enforcement authority' means organs of state which are responsible for the enforcement and compliance of these Regulations under the National Environmental Management Act, 1998 (Act 107 of 1998);

'export' in relation to the Republic, means to take out or transfer, or attempt to take out or transfer, from a place within the Republic to another country or to international waters;

'hunting trophy' means any horn, ivory, tooth, tusk, claw, hoof, hide, skin, hair, feather, egg or readily recognisable part or derivative of an animal, whether processed or not, and which is kept as a memento of the hunt;

'IATA live animals regulations' means the Live Animals Regulations from the International Air Transport Association which is amended and published regularly;

'import' in relation to the Republic means to land on, bring into or introduce into the Republic, or attempt to land on, bring into or introduce into the Republic, and includes to bring into the Republic for re-export to a place outside the Republic;

'introduction from the sea' means transportation into the Republic of specimens of any species which were taken from the marine environment not under the jurisdiction of any State, including the air space above the sea and the sea-bed and subsoil beneath the sea;

'international trade' means any export, re-export, or import covered by the customs regulations and introduction from the sea;

'label' means a piece of paper, card, or other material bearing the acronym 'CITES' and approved by the National Management Authority for the identification of contents as herbarium specimens, preserved, dried or embedded museum specimens or live plant material for scientific study;

'Management Authority' means the national or provincial management authority referred to in regulation 3 of these Regulations;

'NEMBA' means the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004);

'non-detriment finding' means a finding by the Scientific Authority advising that a proposed export or introduction from the sea of Appendix I or II specimens will not be detrimental to the survival of the species and that a proposed import of an Appendix I specimen is not for purposes that would be detrimental to the survival of the species;

'offering for sale' means the offering for sale or any action that may reasonably be interpreted as such, including advertising or causing to be advertised for sale and invitation to negotiate;

'organ of state' has the same meaning assigned to it in section 239 of the Constitution of the Republic of South Africa, 1996;

'permit or certificate' means the official document used to authorise import, export, re-export, or introduction from the sea of specimens of species listed in any of the Appendices of these Regulations;

'personal or household effects' means dead specimens, parts and derivatives that are the belongings of a private individual and that form or are intended to form part of his normal possessions read with Article VII paragraph 3 of the CITES;
[Definition of 'personal or household effects' substituted by GN R323 of 29 April 2014.]

'pre-convention specimen' means a specimen acquired before the date from which the provision of the Convention applied to that specimen being the date on which the specimen concerned was first included in the Appendices;

'pre-convention Certificate' means a permit or certificate issued for a pre-convention specimen;

'primarily commercial purposes' means all purposes whose non-commercial aspects do not clearly predominate;

'provincial department' means the provincial department or provincial organ of state responsible for the conservation of biodiversity in a province;

[Definition of 'provincial department' inserted by GN R323 of 29 April 2014.]

'quota' means the prescribed number or quantity of specimens that can be harvested, exported or otherwise used over a specific period of time and is a total national quota;

'readily recognisable part or derivative' includes 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 to these Regulations, unless such part or derivative is specifically exempted from the provisions of the Convention;

're-export' means the export of any specimen that has previously been imported;

'repeated offender' means a person who has been convicted of an offence in terms of these Regulations on three or more occasions;

'rescue Centre' means a centre as defined in Article VIII, paragraph 5, of CITES;

'sale' means any form of sale, hire, barter or exchange;

'scientific authority' means the national scientific authority established in terms of regulation 59 of the Threatened or Protected Species Regulations, 2007 published by Notice R152 in *Gazette* 29657 of 23 February 2007 as amended;

'secretariat' means the CITES Secretariat;

'species' means a kind of animal, plant or other organism that does not normally interbreed with individuals of another kind, and includes any sub-species, cultivar, variety, geographic race, strain, hybrid or geographically separate population;

'specimen' means-

- (a) any living or dead animal, plant or other organism;
- (b) a seed, egg, gamete or propagule or part of an animal, plant or other organism capable of propagation or reproduction or in any way transferring genetic traits;
- (c) any derivative of any animal, plant or other organism; or
- (d) any goods which-
 - (i) contain a derivative of an animal, plant or other organism and upon inspection contained such a derivative of an animal, plant or other organism; or
 - (ii) from an accompanying document, from the packaging or mark or label, or from any other indications, appear to be or to contain a derivative of an animal, plant or other organism;

'tags' means a piece of material for the identification of raw, tanned, and/or finished skins entering international trade from the countries of origin;

'transit' means the conveying or transporting a specimen of a species included in the Appendices of CITES from a destination outside the Republic, through the Republic, to a destination outside the Republic, without removing the specimen from the control of Customs and Excise while so conveying or transporting; and

[Definition of 'transit' substituted by GN R323 of 29 April 2014.]

'transshipment' means the transshipment procedures as defined by the customs legislation of the Republic;

'under controlled conditions' means in a non-natural environment that is intensively manipulated by human intervention for the purpose of plant production, which may include, but are not limited to tillage, fertilization, weed and pest control, irrigation, or nursery operations such as potting, bedding or protection from weather.

(2) The export, re-export, import, introduction from the sea, transit and transshipment of specimens of species listed in the appendices to these Regulations, other than in accordance with the provisions of CITES and these Regulations is prohibited.

(3) Recommendations included in Resolutions, as amended from time to time, and Decisions of the Conference of Parties to CITES can serve as a source of interpretation of the provisions of these Regulations.

[Subreg. (3) substituted by GN R323 of 29 April 2014.]

(4) The burden of proof of the legal possession of any specimen of a species included in the Appendices attached to these Regulations lies with the possessor of that specimen.

PART 2 **GENERAL (reg. 2)**

2 Application

- (1) These Regulations apply to all plants and animal species listed on Schedules I, II and III thereof.
- (2) The following Schedules are attached to these Regulations:
 - (a) Appendix I, which lists all species included in Appendix I of CITES;
 - (b) Appendix II which lists all species included in Appendix II of CITES;
 - (c) Appendix III, which lists all species included in Appendix III of CITES.
- (3) The Appendices to these Regulations are automatically amended when amendments to Appendices I, II or III of CITES enter into force as amendments to the CITES Appendices and are binding to the Republic.

(4) The amendments referred to in subregulation (3) must be published for information in the *Gazette* as soon as they are available after their adoption by the Conference of the Parties.

(5) The official website of the Convention (<http://www.cites.org>) is the official reference for the Appendices.

(6) The provisions of these Regulations must be read with the National Environmental Management Act, 1998 (Act 107 of 1998), the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004), the Threatened or Protected Species Regulations, 2007, the text of the Convention on International Trade in Endangered Species of Wild Fauna and Flora and all amendments thereto.

PART 3 **AUTHORITIES (regs 3-4)**

3 Management Authority

(1) The national Minister responsible for environmental affairs is the National Management Authority for CITES related activities.

(2) The specific duties of the National Management Authority include, but are not limited to the following-

- (a) to consider and grant permits and certificates in accordance with the provisions of CITES and to attach to any permit or certificate any condition that it may deem necessary;
- (b) to communicate with the Secretariat and the Management and Enforcement Authorities of other CITES Parties on scientific, administrative, enforcement and other issues related to implementation of the Convention;
- (c) to maintain records of international trade in specimens and prepare an annual report concerning such trade, and submit this report to the CITES Secretariat by the deadline stipulated in the relevant Resolution;
[Para. (c) substituted by GN R323 of 29 April 2014.]
- (d) to prepare a biannual report on legislative, regulatory and administrative measures taken to enforce the Convention, and to submit this report to the CITES Secretariat by the deadline stipulated in the relevant Resolution;
[Para. (d) substituted by GN R323 of 29 April 2014.]
- (e) to coordinate national implementation and enforcement of the Convention and these Regulations and to co-operate with other relevant authorities in this regard;
- (f) to consult with the Scientific Authority on the issuance and acceptance of CITES documents, the nature and level of trade in CITES-listed species, the setting and management of quotas, the registration of traders and production operations, the establishment of Rescue Centres and the preparation of proposals to amend the CITES Appendices;
- (g) to represent the Republic at national and international meetings related to CITES;
- (h) to provide awareness-raising, training, education and information related to the Convention;
- (i) to designate one or more Rescue Centres for seized and confiscated living specimens;
- (j) to intervene in litigation before a court in any matter under these Regulations; and
- (k) to coordinate requirements and allocate annual quotas to provinces.

(3) The National Minister responsible for environmental affairs is the authority responsible for the issuing of permits or certificates relating to import, export, re-export and introduction from the sea of any species listed in Appendices I, II and III as specified in section 87A(1)(b) of the National Environmental Management: Biodiversity Act, 2004.

[Subreg. (3) substituted by GN R575 of 11 July 2011 and by GN R323 of 29 April 2014.]

(4) The MEC of the provincial department responsible for nature conservation in a Province, is the Provincial Management Authority responsible for the issuing of permits or certificates relating to import, export, re-export and introduction from the sea of any species listed in Appendices I, II and III as specified in section 87A(2) of the National Environmental Management: Biodiversity Act, 2004.

[Subreg. (4) substituted by GN R323 of 29 April 2014.]

(5) The specific duties of the Provincial Management Authority include, but are not limited to the following-

- (a) consider and grant permits and certificates for CITES related species that are not included in paragraphs (a) to (d) in subregulation (3), in accordance with the provisions of CITES and to attach to any permit or certificate any condition that it may deem necessary;
- (b) consult with the provincial member of the National Scientific Authority on the issuance and acceptance of CITES documents, the nature and level of trade in CITES-listed species, the setting and management of quotas, the registration of traders and production operations, the establishment of Rescue Centres and the preparation of proposals to amend the CITES Appendices;
- (c) manage the utilisation of allocated CITES quotas;
- (d) mark, tag and register CITES specimens in accordance with the Convention;
- (e) coordinate and submit reports for the registration of individuals, institutions and facilities to the National Management Authority, in accordance with the Convention;
- (f) prepare and submit provincial inputs to the National CITES Management Authority on CITES related matters on request;
- (g) disseminate official information on CITES within the province;
- (h) promote an interest and understanding of CITES within the province;
- (i) optimize participation of state departments and agencies in the province in CITES related matters;
- (j) maintain records of international trade in specimens and prepare and submit the provincial CITES annual report to the National Management Authority before 31 July of the year following the year to which the report refers;
- (k) liaise with stakeholders within the province;
- (l) represent the Republic as part of the South African delegation on national and international meetings related to CITES;
- (m) intervene in litigation before a court in any matter under these Regulations.

(6) The MEC of the provincial department responsible for nature conservation is the authority responsible for the issuance of permits or certificates relating to import, export and re-export of any species listed in Appendices I, II and III, excluding permits or certificates referred to in subregulation (3).

(7) An official of the Department or an organ of State may exercise a power or duty of a Management Authority and for the issuance of a permit or certificate in terms of these Regulations to the extent that the power or duty has been delegated or subdelegated to that official in terms of section 42 or 42A of the National Environmental Management Act, 1998 (Act 107 of 1998).

4 Scientific Authority

(1) For the purposes of these Regulations the specific duties of the Scientific Authority include, but are not limited to-

- (a) advise the Management Authority on whether or not a proposed export of a specimen of species listed in Appendix I or II will be detrimental to the survival of the species involved;
- (b) in the case of a proposed import of a specimen of a species in Appendix I, advise the Management Authority on whether or not the purposes of the import are detrimental to the survival of the species involved;
- (c) in the case of a proposed import of a live specimen of a species listed in Appendix I, advise the Management Authority whether or not it is satisfied that the proposed recipient of the specimen is suitably equipped to house and care for it;

- (d) monitor the export permits granted for specimens of species listed in Appendix II, as well as the actual exports of such specimens through monitoring of reports, and advise the Management Authority of suitable measures to be taken to limit the issue of export permits when the population status of a species so requires;
 - (e) advise the Management Authority on the disposal of confiscated or forfeited specimens when required;
 - (f) advise the Management Authority on any matter the Scientific Authority considers relevant in the sphere of species protection;
 - (g) perform any tasks foreseen in the Resolutions or Decisions of the Conference of the Parties to CITES for the Scientific Authority.
- (2) For the purposes of these Regulations the specific duties of the Scientific Authority in terms of the NEMBA include-
- (a) advise the Minister on-
 - (i) the registration of ranching operations, nurseries, captive breeding operations and other facilities;
 - (ii) whether an operation or facility meets the criteria for producing species considered to be bred in captivity or artificially propagated;
 - (iii) the choice of a rescue centre or other facility for the disposal of forfeited specimens;
 - (v) the nomenclature of species; or
 - (vi) any other matter of a specialized nature;
 - (b) assist the Minister or an environmental management inspector in the identification of specimens for the purpose of enforcing the provisions of this Act when required;
 - (c) issue certificates in which the identification of a specimen is verified as being taxonomically accurate upon written request;
 - (d) perform any other function that may be prescribed or delegated to it by the Minister; and
 - (e) deal with any other matter necessary for, or reasonably incidental to, its powers and duties.
- (3) In performing its duties, the Scientific Authority must-
- (a) base its findings, recommendations and advice on a scientific and professional review of available information;
 - (b) consult, when necessary, organs of state, the private sector, non-governmental organisations, local communities and other stakeholders before making any findings or recommendations or giving any advice; and
 - (c) ensure that provincial representatives on the Scientific Authority co-operate with their respective scientific units in order for functions described in this section to be coordinated, executed and implemented on provincial level.

PART 4
CONDITIONS FOR INTERNATIONAL TRADE (regs 5-10)

5 General

(1) The Management Authority and enforcement authorities must as far as possible ensure that specimens of CITES-listed species pass through any formalities required for trade with a minimum of delay.

(2) The ports in Appendix VI are the only ports of exit and entry through which CITES listed species can be imported, exported or re-exported.

(2A) Notwithstanding subregulation (2), the National Management Authority may in exceptional circumstances grant written permission, based on the evaluation of a motivation provided by the applicant, for an alternative port to be used for the import, export or re-export of live specimens of CITES listed species where the survival of these specimens may be at risk if the ports in Appendix VI are used.

[Subreg. (2A) inserted by GN R323 of 29 April 2014.]

(3) The Management Authority must ensure that all living specimens, during any period of transit, holding or shipment, are properly cared for so as to minimise the risk of injury, damage to health or cruel treatment.

[4] Applications for a permit or a certificate for the import, export, re-export or introduction from the sea of any specimen included in Appendix [sic] I, II or III, must be in the format set out in Appendix IIIA.

[Subreg. [4] added by GN R575 of 11 July 2011.]

6 Export

(1) The export of any specimen of species included in Appendices I and II requires the prior grant and presentation of an export permit.

(2) The export of any specimen of species included in Appendix III requires the prior grant and presentation of an export permit or a certificate of origin.

(3) An export permit may only be granted if the following conditions are met:

- (a) The Management Authority must be satisfied that the specimen concerned has been legally acquired;
- (b) The Management Authority is satisfied that any living specimen will be prepared and shipped in accordance with the most recent edition of the Live Animals Regulations of the International Air Transport Association, regardless of the mode of transport, so as to minimise the risk of injury, damage to health or cruel treatment;
- (c) In the case of a specimen of a species listed in Appendix I or II, the Scientific Authority has made a non-detriment finding and advised the Management Authority accordingly; and
- (d) In the case of specimens of species listed in Appendix I, an import permit has been granted by the competent authority of the country of destination.

7 Import

(1) The import of any specimen of species included in Appendix I requires the prior grant and presentation of an import permit issued by the country of destination and either an export permit or a re-export certificate issued by the country of export.

(2) An import permit may only be granted if the following conditions are met:

- (a) The Scientific Authority has advised that the import will be for purposes which are not detrimental to the survival of the species and is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it;
- (b) In case of the import of Appendix I specimens, the Management Authority is satisfied that the specimen concerned is not to be used primarily for commercial purposes;

(3) The import of any specimen of species included in Appendix II requires the prior presentation of either an export permit or a re-export certificate and an import permit.

[Subreg. (3) substituted by GN R575 of 11 July 2011.]

(4) The import of any specimen of species included in Appendix III requires the prior presentation of an import permit, a certificate of origin and, where the import is from a State which has included that species in Appendix III, an export permit.

[Subreg. (4) substituted by GN R575 of 11 July 2011 and by GN R323 of 29 April 2014.]

8 Re-export

(1) The re-export of any specimen of species included in Appendices I, II and III requires the prior grant and presentation of a re-export certificate.

(2) A re-export certificate may only be granted when the following conditions are met:

- (a) The Management Authority is satisfied that any specimen to be re-exported was imported in accordance with the provisions of these Regulations and of CITES;
- (b) The Management Authority is satisfied that any living specimen will be prepared and shipped in conformity with the most recent edition of the Live Animals Regulations of the International Air Transport Association, regardless of the mode of transport, so as to minimise the risk of injury, damage to health or cruel treatment;
- (c) In the case of any living specimen of species listed in Appendix I, the Management Authority is satisfied that an import permit has been granted.

9 Introduction from the sea

(1) The introduction from the sea of a specimen of a species included in Appendices I and II requires the prior grant and presentation of a permit or a certificate of introduction from the sea.

(2) A permit or a certificate of introduction from the sea may only be granted when the following conditions have been met-

- (a) the Scientific Authority advises that the introduction of any specimen will not be detrimental to the survival of the species;
- (b) the National Management Authority is satisfied that any specimen of a species listed in Appendix I is not to be used for primarily commercial purposes and that the proposed recipient of any living specimen is suitably equipped to house and care for it;
- (c) the National Management Authority is satisfied that any living specimen of a species listed in Appendix II will be so handled as to minimise the risk of injury, damage to health or cruel treatment.

10 Permits and certificates

(1) To be valid, all permits and certificates must be in a form prescribed in Appendix 4.

(2) Export permits and re-export certificates should be valid for a period not exceeding six months from their date of issue.

(3) Import permits for specimens of species included in Appendix [sic] I, II and III should be valid for a period of [sic] not exceeding twelve months from their date of issue.

[Subreg. (3) substituted by GN R575 of 11 July 2011.]

(4) A separate permit or certificate is required for each consignment of specimens as a permit or certificate is valid for one consignment only.

(5) An enforcement officer must cancel and retain used export permits and re-export permits/certificates issued by authorities of foreign States and any corresponding import permits at the point of entry into the country.

(6) It is the onus of the permit holder to ensure that the permit for export, re-export or import is cancelled by an official of the Management Authority or Customs.

(7) Failure to have the permit cancelled in terms of subregulation (5) shall be considered an offence in terms of these Regulations.

(8) An enforcement officer must endorse a CITES export or re-export permit before the export takes place.

(9) It is the onus of the permit holder to ensure that the export or re-export permit for [sic] is endorsed.

(10) Failure to have the export or re-export permit endorsed in terms of subregulation (8) shall be considered an offence in terms of these Regulations.

(11) Permits and certificates may not be transferred to a person other than the one named on the document.

(12) The Management Authority may require applicants for permits or certificates to provide any additional information that it may need to decide whether to issue a permit or certificate.

(13) The Management Authority may, at its discretion, grant or refuse to grant a permit or certificate, or grant a permit or certificate subject to certain conditions.

(14) The Management Authority may amend or revoke a permit or a certificate issued, but must revoke a permit or a certificate if it was issued as the result of false or misleading statements by the applicant.

[Subreg. (14) substituted by GN R575 of 11 July 2011.]

(15) Only valid export permits, re-export certificates and certificates of origin from exporting countries shall be accepted to authorise the import of specimens of species included in Appendices I, II and III.

(16) A permit or a certificate issued in violation of the law of a foreign country or in violation of the Convention is invalid.

(17) If any condition attached to a permit or certificate has not been complied with, it may be cancelled by the Management Authority.

(18) If a permit is issued in terms of these Regulations for a threatened or protected species, this permit must include the requirements of the Threatened or Protected Species Regulations, 2007 as amended, to form a single integrated permit, which shall be valid for both these Regulations and the Threatened or Protected Species Regulations, 2007.

PART 5 REGISTRATION AND MARKING (reg. 11)

11 Registration and Marking

(1) All persons wishing to internationally trade specimens of any species listed in Appendix I must be registered with the Management Authority.

(2) All persons wishing to produce captive bred animals and artificially propagated plants for commercial international trade purposes of any species listed in Appendix I must be registered with the Management Authority and where required with the Secretariat in the case of captive bred animals. If these species are also listed in terms of section 56 of NEMBA and are already registered under the applicant's name as Threatened or Protected Species, an integrated registration certificate may be issued.

(3) All persons registered with the Management Authority for captive breeding of animals or artificial propagation of plants must keep records of their parental stock and of captive bred offspring for future trading purposes. Records of any transactions must be kept for a period of five years. The Management Authority may inspect the premises and records of persons registered with the Management Authority at any time.

(4) The-

- (a) format of the application for registration in subregulation (1);
- (b) conditions that shall be met in order to be registered;
- (c) format and contents of the registers that contain the records,

must comply, when required, with Resolution 12.10 and its amendments as adopted by the Conference of the Parties.

(5) If the conditions for registration are not complied with, the Management Authority must withdraw the registration.

(6) Specimens of animal species listed in Appendix I that have been bred in captivity may not be traded unless they originate from a breeding operation registered by the Management Authority, and have been individually and permanently marked in a manner so as to render alteration or modification by unauthorised persons as difficult as possible.

(7) The conditions for registration are determined by the Management Authority.

(8) The markings on or tagging of specimens must be done in accordance with the relevant Resolutions adopted by the Conference of Parties as amended from time to time.

PART 6 **EXEMPTIONS AND SPECIAL PROCEDURES (regs 12-15)**

12 Transit and transshipment

(1) Where a specimen is in transit or transshipment through the Republic, no additional CITES permits and certificates shall be required.

(2) In all cases, the transit or transshipment must be in accordance with the conditions of transport laid down in these Regulations, the custom laws and any other applicable laws of the Republic.

(3) Enforcement authorities have the power to inspect a specimen in transit or transshipment to ensure that it is accompanied by the appropriate CITES documents and is compliant with the conditions and to seize such a specimen if that is not the case.

13 Pre-Convention

(1) Where the Management Authority is satisfied that a specimen of a CITES-listed species was acquired before the provisions of the Convention became applicable to that species, it shall issue a pre-Convention permit or certificate upon request.

(2) In the event that a pre-Convention permit or certificate is issued, no other CITES document is required to trade in the specimen.

14 Personal effects

Provisions foreseen in Part 4 shall not apply to dead specimens, parts and derivatives of species listed in Appendix I, II and III, which are personal effects being introduced into the Republic, or exported or re-exported there from for a period not exceeding three months or for personal effects exempted in terms of the related Resolution Conference of Parties to CITES, provided that it is done in compliance with Article VII of the CITES.

[Reg. 14 substituted by GN R323 of 29 April 2014.]

15 Scientific exchange

(1) The documents referred in Part 4 of these Regulations are not required in the case of-

- (a) non-commercial loans;
- (b) donations and exchanges between scientific institutions, registered by the Management Authority;
- (c) herbarium specimens;
- (d) other preserved, dried or embedded museum specimens; or
- (e) live plant material, which carry a label issued or approved by the National Management Authority.

(2) The label referred to in subparagraph (1)(e) must include the name and address of the sending institution and the codes of the exporting and importing institutions over the signature of a responsible officer of that registered scientific institution.

PART 7 **OFFENCES AND PENALTIES (regs 16-18)**

16 Offences and Penalties

(1) No person may-

- (a) import, export, re-export, or introduce from the sea, or attempt to import, export, re-export or introduce from the sea, any specimen of a species listed in the Schedules without a valid permit or certificate issued in terms of these Regulations or in violation of any condition of that permit or certificate except in the case of personal effects exempted in terms of regulation 14;
- (b) have in his or her possession or under his or her control, or to offer or expose for sale or display to the public, any specimen of a species listed in the Appendices which was not legally acquired;
- (c) make or attempt to make either oral or written false or misleading statements in, or in connection with, an application for a permit or certificate or registration;
- (d) alter, deface or erase a mark used by the Management Authority to individually and permanently identify specimens;
- (e) obstruct or otherwise hinder an Enforcement Officer in the performance of his or her duties; or
- (f) withhold information that is relevant to a case where these Regulations have been contravened;
- (g) fraudulently alter[s] any permit or certificate;
- (h) fabricate[s] or forge[s] any document for the purpose of passing it as a permit or certificate;
- (i) pass[es], use[s], alter[s] or has [sic] in his or her possession any altered or false document purporting to be a permit or certificate; or
- (j) knowingly make[s] any false statement or report for the purpose of obtaining a permit or certificate.

(1A) Failure by the permit holder-

- (a) to have a CITES import permit cancelled in terms of regulation 10(7); or
- (b) to have a CITES export or re-export permit endorsed in terms of regulation 10(8) before the export or re-export takes place, is an offence in terms of these Regulations; and

[Subreg. (1A) inserted by GN R323 of 29 April 2014.]

(2) A person contravening subregulation (1) or (1A) is guilty of the offence and shall be liable on conviction to-

- (a) a fine not exceeding five million rand or imprisonment for a period not exceeding five years, and in the case of a second or subsequent conviction, to a fine not exceeding R10 million or imprisonment for a period not exceeding 10 years; or
- (b) in both instances referred to in paragraph (a), both such fine or imprisonment; or
- (c) in the case of repeated offenders, a fine or imprisonment or both a fine and imprisonment as referred to in (a) above and being banned from ever applying for a permit to trade in CITES listed species again.

[Subreg. (2) substituted by GN R323 of 29 April 2014.]

17 Disposal of confiscated specimens

The National Management Authority, in consultation with the Scientific Authority and the Provincial Management Authority, may decide on

the disposal of a confiscated specimen in accordance with the appropriate Resolution of the Conference of the Parties.

18 Enforcement Co-ordinating Body

The National Management Authority shall coordinate the enforcement of these Regulations which will be enforced by an enforcement officer.

PART 8 FINANCIAL PROVISIONS (reg. 19)

19 Fees

(1) A person applying for a permit or certificate in terms of these Regulations must pay the fees referred to in Appendix V, to the applicable Management Authority.

(2) Notwithstanding the provisions in subregulation (1) organs of state are not required to pay the fees referred to in Appendix V.
[Reg. 19 substituted by GN R575 of 11 July 2011.]

PART 9 GENERAL (reg. 20)

20 Short title and Commencement

These regulations are called the CITES Regulations, 2010, and takes effect on the date of publication thereof in the *Gazette*.

CITES APPENDICES

[Appendices amended ¹.]

¹ See www.cites.org for the amendments. Also see GN R1205 in GG 33870 of 13 December 2010, GN R629 in GG 36770 of 23 August 2013, GN R529 in GG 40889 of 5 June 2017 and GN 919 in GG 43643 of 24 August 2020.

APPENDIX I

(1) Schedule 1 lists all animal and plant species listed in Appendix I of CITES.

(2) Schedule 1 includes species threatened with extinction.

APPENDIX II

(1) Schedule 2 lists all animal and plant species listed in Appendix II of CITES.

(2) Schedule 2 includes species not necessarily threatened with extinction, but in which trade must be controlled in order to avoid utilisation incompatible with their survival.


APPENDIX III

(1) This Schedule contains all animal and plant species listed in Appendix III of CITES.

(2) This Schedule contains species that are protected in at least one country, which has asked other CITES Parties for assistance in controlling the trade.

APPENDIX IIIA APPLICATION FORM

[Appendix IIIA inserted by GN R575 of 11 July 2011.]

			
APPLICATION FOR PERMIT/S IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT 10 OF 2004) AUTHORIZING THE IMPORT, EXPORT, RE-EXPORT OR INTRODUCTION FROM THE SEA OF SPECIES LISTED IN THE APPENDICES OF THE CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES) AND REGULATED IN TERMS OF THE CITES REGULATIONS			
APPLICATION FOR A PERMIT TO IMPORT/EXPORT/RE-EXPORT/INTRODUCTION FROM THE SEA OF SPECIES LISTED ON THE APPENDICES OF CITES			
Please note:			
<ul style="list-style-type: none">• Application forms must be completed in legible block letters.• It is the applicant's responsibility to confirm receipt of an application form.• Where the space provided is not adequate the information should be attached as an addendum.• Please attach copies of import permits from other provinces if species were imported from other provinces.• Please attached copies of CITES export and import permits in the case of a re-export application.• In the case of applications for CITES Appendix I species, the applicant must provide a copy of the registration certificate or the registration number.• Any additional information, which the applicant deems necessary, should be attached to this application.			
Import <input type="checkbox"/>	Export <input type="checkbox"/>	Re-export <input type="checkbox"/>	Introduction from the sea <input type="checkbox"/>
APPLICANT (If not exporter/importer)			
Name & Surname			
ID Number (Passport number in the case of non-South Africans)			
Telephone (work)		Telephone (home)	
Cell Phone		Fax	

E-mail			
Physical		Postal	
Address		Address	

EXPORTER (If not Applicant)			
Name & Surname			
ID Number (Passport number in the case of non-South Africans)			
Telephone (work)		Telephone (home)	
Cell Phone		Fax	
E-mail			
Physical Address		Postal Address	

IMPORTER (If not Applicant)			
Name & Surname			
ID Number (Passport number in the case of non-South Africans)			
Telephone (work)		Telephone (home)	
Cell Phone		Fax	
E-mail			
Physical Address		Postal Address	

APPLICABLE EXPORTER/IMPORTER REGISTRATION NUMBERS	
CITES Registration Number (Appendix I Breeding facility/Nurseries) [where applicable]	
TOPS Registration number (Wildlife Trader) [where applicable]	
TOPS Registration number (Taxidermists) [where applicable]	
TOPS Registration number (Scientific Institution) [where applicable]	
TOPS Registration number (Commercial Exhibition Facility) [where applicable]	
TOPS Registration number (Rehabilitation Facility) [where applicable]	
TOPS Registration number (Sanctuary) [where applicable]	

PURPOSE FOR EXPORT/IMPORT					
Commercial Purposes (T)		Personal (P)		Hunting trophies (H)	Reintroduction or Introduction into wild (N)
Breeding in captivity or artificial propagation (B)		Zoos (Z)		Circuses or travelling exhibitions (Q)	Botanical Gardens (G)
Educational (E)		Law enforcement/ judicial/forensic (L)		Medical (M)	Scientific (S)

SOURCE CODES (consult the Management Authority regarding the correct code to be used)			
Specimens taken from the wild (W)		Animals bred in captivity in accordance with the relevant Resolution (C)	Pre-Convention specimens (O)
Ranched specimens (R)		Animals born in captivity (F)	Confiscated or seized specimens (I)
Appendix-I animals bred in captivity for commercial purposes in operations included in the Secretariat's Register (D)		Source unknown (U)	Plants that are artificially propagated in accordance with the relevant Resolution (A)

DETAILS OF SPECIES THAT ARE TO BE IMPORTED/EXPORTED/RE-EXPORTED								
Quantity			Description	Common Name	Scientific Name	Appendix	Source (W, R, D, A, C, F, U, I, O)	Tag no/Tusk no/ Transponder no/ ring no
M	F	Tot						

DECLARATION

I declare that the species listed in the above-mentioned table were all obtained in accordance with the applicable environmental permits [these permits must be available for verification], and are all captive bred and that all the information provided is completed and correct to the best of my knowledge. I understand that any false information supplied could lead to my application being disqualified.

Signature: _____ Date: _____

ADDENDUM								
Quantity			Description	Common Name	Scientific Name	Appendix	Source (Captive bred/	Tag no/Tusk no/ Transponder no/
M	F	Tot						


							Wild/ etc)	ring no

DECLARATION


I declare that the species listed in the above-mentioned table were all obtained in accordance with the applicable environmental permits [these permits must be available for verification], and are all captive bred and that all the information provided is completed and correct to the best of my knowledge. I understand that any false information supplied could lead to my application being disqualified.

Signature: _____ Date: _____

**APPENDIX IV
SAMPLE PERMIT FORMAT AND INSTRUCTIONS**

<p>Convention on International Trade Endangered Species of Wild Fauna and Flora</p>  <p>Article VII (6) Label for non-commercial loan, donation or exchange of museum and herbarium specimens from CITES registered Scientific Institutions in South Africa</p>	
SCIENTIFIC MATERIAL	Label No
South African Institution Name/ Responsible Person:	Overseas Institution Name/Responsible Person:

Address:	Address:
Registration Code:	Registration Code:
Description of Contents:	Exporting Institution Stamp:
Scientific/Common Name:	Waybill No:
Name and Designation of Person Sending Package:	
Signature:	Date:
Article VII (6) of CITES and any Resolution of the Conference of Parties relating to the exchange of Scientific materials and Articles III, IV and V of CITES should be considered during the exchange.	
CITES Management Authority South Africa Department of Environmental Affairs, Private Bag X 447, Pretoria, 0001, South Africa	
Instructions and Explanations 1. Article VII (6) states that the provisions of Articles III, IV, V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by Management Authority of their States, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry label issued or approved by a Management Authority. 2. This label might not be used for the scientific exchange of biological samples such as DNA, blood tissue or hair.	
PERMIT / CERTIFICATE No	

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA		EXPORT RE-EXPORT IMPORT OTHER	2. Valid until
3. Importer (name and address)		4. Exporter / Re- exporter (name and address and country)	
3a.	Country of import		
5. Special conditions		6. Name, address, national seal / stamp and country of Management Authority	
For live animals, this permit or certificate is only valid if the transport conditions conform to the Guidelines for Transport of		Department of Environmental Affairs Private Bag X 447 	

Live Animals or, in the case of air transport, to the IATA Live Animals Regulations Permit / certificate valid for one consignment only

PRETORIA
0001
SOUTH AFRICA

5a. Purpose of the transaction (see reverse)		5b. Security stamp no						
7.8 SCIENTIFIC NAME (genus and species) AND COMMON NAME OF ANIMAL OR PLANT				9. Description of Specimens, including identifying marks or numbers (age/sex) if live		10. Appendix No. and source (see reverse)	11. Quantity (including unit)	11a. Total exported / quota
A	7.8			9.		10.	11.	11.a
	12. Country of origin	Permit No	Date	12a. Country of least re-export	Certificate No	Date	12b. No. of operation ** or date of Acquisition***	
B	7.8			9.		10.	11.	11.a
	12. Country of origin*	Permit No	Date	12a. Country of least Re-export	Certificate No	Date	12b. No. of operation ** or date of Acquisition***	
C	7.8			9.		10.	11.	11.a
	12. Country of origin*	Permit No	Date	12a. Country of least re-export	Certificate No	Date	12b. No. of the operation ** or date of Acquisition***	
D	7.8			9.		10.	11.	11.a
	12. Country of origin*	Permit No	Date	12a. Country of least re-export	Certificate No	Date	12b. No. of operation ** or date of Acquisition***	
* Country which the specimens were taken from the wild, bred in captivity propagated (only in case of re-export)								
** Only for specimens of Appendix 1 species bred in captivity or artificially propagated for commercial purposes								
*** For Pre-Convention specimens								
13. THIS PERMIT / CERTIFICATE ISSUES BY:								
Place			Date			Security stamp, signature and official seal		
14. EXPORT ENDROSEMENT				15. Bill of Lading/Air Waybill Number				
Block	Quantity							
A								


B
C
D

Port of Export

Date

Signature

Official stamp and title

EXPORT CERTIFICATE PERSONAL WILDLIFE PRODUCTS FROM THE REPUBLIC OF SOUTH AFRICA			CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA			
Only valid for finished products (excluding trophies) of the following species: Crocodylus niloticus – excluding full skins & meat Hippopotamus amphibius (tusks only, excluding EU) Equus zebra hartmannae (excluding USA) Loxodonta africana – hair & leather products only Aurocapra nasuta Aloe ferox (cosmetic products only)			CERTIFICATE NO:			
VENDOR (name and business address)			EXPORTER (name and business address)			
1	SCIENTIFIC NAME	COMMON NAME	DESCRIPTION	TOTAL	APPENDIX	SOURCE
					II	
	COUNTRY OF ORIGIN (If re-export)		EXPORT PERMIT No. (If re-export)			
2	SCIENTIFIC NAME	COMMON NAME	DESCRIPTION	TOTAL	APPENDIX	SOURCE
					II	
	COUNTRY OF ORIGIN (If re-export)		EXPORT PERMIT No. (If re-export)			
3	SCIENTIFIC NAME	COMMON NAME	DESCRIPTION	TOTAL	APPENDIX	SOURCE
					II	
	COUNTRY OF ORIGIN (If re-export)		EXPORT PERMIT No. (If re-export)			
These products are legally derived from wildlife which has been bred in captivity or taken in the wild compliance with the requirements of CITES and national and provincial legislation.						
International trade in these specimens is not detrimental to the survival of the wild populations of the species stated on this certificate.						
			 Department of Environmental Affairs Private Bag X 447 Pretoria			

Date of issue :		0001	
THIS CERTIFICATE IS VALID FOR A PERIOD OF SIX MONTHS FROM THE DATE OF ISSUE FOR THE ITEMS SPECIFIED ON THIS CERTIFICATE, TO BE EXPORTED FROM SOUTH AFRICA AS ACCOMPANIED BAGGAGE FOR NON-COMMERCIAL PURPOSES			
Signature exporter		Country of destination	

**APPENDIX V
PERMIT PROCESSING FEES**

Regulation	Fee
Import, Export and Re-export Permit application without annexure	R250.00
Import, Export and Re-export Permit with annexure	R300.00
Annual processing fee for import, export and re-export permits for regular traders (once off fee for all CITES permit applications issued in a calendar year for a specific person/registered business)	R5000.00
Renewal – permit expired	R100.00
Lost / stolen permit	R150.00

**APPENDIX VI
LIST OF DESIGNATED PORTS OF ENTRY AND EXIT FOR IMPORT, EXPORT AND RE-EXPORT OF CITES LISTED SPECIES**

[Appendix VI amended by GN R323 of 29 April 2014.]

Land Ports

- Beit Bridge Border Post
- Lebombo Border Post
- Jeppes Reef Border Post
- Golela Border Post
- Ramatlabama Border Post
- NaKop Border Post
- Vioolsdrift Border Post
- Maseru Border Post

Airports and Harbours

- Cape Town International Airport
- O.R Tambo International Airport
- Port Elizabeth International Airport
- Kruger - Mpumalanga International Airport
- Cape Town Harbour
- Durban Harbour
- Port Elizabeth Harbour
- King Shaka International Airport