
GENERAL NOTICES

NOTICE 1165 OF 2009

DEPARTMENT OF ENVIRONMENTAL AFFAIRS AND TOURISM

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT 10 OF 2004)

DRAFT CITES REGULATIONS

I, Buyelwa Patience Sonjica, Minister of Water and Environmental Affairs hereby publish under section 97(1)(b)(iv) read with section 100 of the National Environmental Management: Biodiversity Act, 2004 (Act No. 10 of 2004), and the National Environmental Laws Amendment Act, 2009 for public comment the draft Cites Regulations in the Schedule hereto.

Any person who wishes to submit written representations and/or objections to the proposed regulations are invited to do so within 30 days of the publication of this notice. All representations and comments must be submitted in writing to the Director-General of the Department of Water and Environmental Affairs:

By post to: The Director-General: Water and Environmental Affairs

Attention: Mrs. Sonja Meintjes

Private Bag X447

Pretoria, 0001

By fax to: (012) 320 7026, and by e-mail to smeintjes@deal.gov.za

Any inquiries in connection with the draft regulations can be directed to Mrs. Sonja Meintjes at Tel. (012) 310-3545.


BUYELWA SONJICA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

SCHEDULE
PART 1
INTERPRETATION

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 No. 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;

"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 customs officer, or a person appointed by the Minister in terms of section 31B of the National Environmental Management Act 107 of 1998 for the purposes of enforcing these Regulations;

"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 other durable portion whatsoever of any animal, whether processed or not, which is recognizable as a durable portion of such animal and which is kept as a memento of the hunt;

"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;

"Invasive alien species" means species introduced deliberately or unintentionally outside their natural habitats where they have the ability to establish themselves, invade, outcompete natives and take over the new environments;

"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;

"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;

"permit or certificate" means the official document used to authorize 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 IV paragraph 3;

"pre-convention" means -

- a) the date from which the provisions of the Convention apply to a specimen be the date on which the species concerned was first included in the Appendices; and
- b) the date on which a specimen is acquired be considered as the date the specimen was known to be either:

- i) removed from the wild;
- ii) born in captivity or artificially propagated in a controlled environment; or
- iii) if such date is unknown or cannot be proved, any subsequent and provable date on which it was first possessed by a person;

"pre-convention Certificate" means a certificate issued for a pre-convention specimen;

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

"quota" means the prescribed number or quantity of specimens that can be harvested, exported or otherwise used over a specific period of time;

"readily recognizable 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;

"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 No. R. 152 in Gazette No. 29657 of 23 February 2007;

"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; 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 transit procedures as defined by the customs regulations of the Republic;

"transshipment" means the transshipment procedures as defined by the customs regulations 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 and Decisions of the Conference of the Parties to CITES can serve as source of interpretation of the provisions of these regulations.
- (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****Application**

2. (1) These regulations apply to all plants and animal species listed on Schedules I, II and III of these regulations.
- (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 it is binding on the Republic.
- (4) The amendments referred to in subregulation (3) must be published for information in the Gazette as soon as it is available after their adoption by the Conference of the Parties.
- (5) The official website of the Convention is the official reference for the Appendices.
- (6) The provisions of these regulations must be read with the National Environmental Management Act 107 of 1998, the National Environmental Management: Biodiversity Act, 2004 (Act 10 of 2004) (NEMBA) and the Threatened or Protected Species Regulations, 2007.

PART 3**AUTHORITIES****3. Management Authority**

- (1) The Minister 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 regulation 9, and to attach to any permit or certificate any condition that it may deem necessary;
- (b) to communicate with the Secretariat and other countries 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 31 October of the year following the year to which the report refers;
- (d) to prepare a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention, and to submit this report to the CITES Secretariat by 31 October of the year following the two-year period to which the report refers;
- (e) to coordinate national implementation and enforcement of the Convention and these;
- (f) Regulations and to co-operate with other relevant authorities in this regard;
- (g) 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;
- (h) to represent the Republic at national and international meetings related to CITES;
- (i) to provide awareness-raising, training, education and information related to the Convention;
- (j) to advise the Minister on action to be taken for the implementation and enforcement of CITES;
- (k) to designate one or more Rescue Centres for seized and confiscated living specimens;
- (l) to intervene in litigation before a court in any matter under these regulations.

- (3) The Minister is the issuing authority for permits or certificates relating to import, export and re-export of any species listed in Appendices I, II and III—
- (a) in a protected area or an area managed or under control of an organ of state.
 - (b) that are marine species, including listed threatened or protected marine species in marine protected areas;
 - (c) by a provincial department on land under its jurisdiction, or
 - (d) by a national department on land under its jurisdiction.
- (4) The MEC of a Province is the Provincial Management Authority for CITES related species.
- (5) The specific duties of the Provincial Management Authority include, but are not limited to the following
- (a) consider and grant permits and certificates in accordance with the provisions of CITES and regulation 9, 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 in accordance with the Convention;
 - (f) prepare and submit provincial inputs to National CITES M.A. 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) optimise 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 M.A 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) advise the MEC on action to be taken for the implementation and enforcement of CITES within the province and
 - (n) intervene in litigation before a court in any matter under these regulations.
- (6) The MEC is designated as an issuing authority for 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 (2).
- (7) An official of the Department or a provincial department or organ of State may exercise a power or duty of an issuing authority in terms of these regulations to the extent that the power or duty has been delegated or sub-delegated to that official in terms of section 42 or 42A of the National Environmental Management Act, 1998 (Act No. 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, 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;
 - (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 of the Conference of the Parties to CITES.
- (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 specialised 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;
 - (c) issue certificates in which the identification of a specimen is verified as being taxonomically accurate;
 - (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; and
 - (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.

PART 4

CONDITIONS FOR INTERNATIONAL TRADE

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) To facilitate such passage, the Management Authority may designate ports of entry and ports of exit at which specimens must be presented for clearance.
- (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 minimize the risk of injury, damage to health or cruel treatment.

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 minimize the risk of injury, damage to health or cruel treatment;
 - (c) In the case of a specimen of a species listed in Appendices I and 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 and either an export permit or a re-export certificate.

- (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) The Management Authority is satisfied that the specimen concerned is not to be used primarily for commercial purposes;
 - (c) 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.
 - (d) The import of any specimen of species included in Appendix III requires the prior presentation of a certificate of origin or an export permit, where the import is from a State which has included the species in Appendix III or a certificate granted by the State of re-export that the specimen was processed or is being re-exported to.

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 this Act 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 minimize 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 certificate of introduction from the sea.
- (2) 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 minimize 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 are valid for a period of six months from their date of issue.
- (3) Import permits for specimens of species included in Appendix I are valid for a period of twelve months from their date of issue.
- (4) A separate permit or certificate is required for each consignment of specimens.
- (5) The National Management Authority or Customs must cancel and retain used export permits and re-export certificates issued by authorities of foreign States and any corresponding import permits at the point of entry into the country.

- (6) Permits and certificates may not be transferred to a person other than the one named on the document.
- (7) 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.
- (8) 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.
- (9) The Management Authority may at any time revoke or modify any permit or certificate it has issued if it deems it necessary to do so, and shall do so when the permit or certificate has been issued as the result of false or misleading statements by the applicant.
- (10) Only valid export permits, re-export certificates and certificates of origin from exporting countries shall be accepted to authorize the import of specimens of species included in Appendices I, II and III.
- (11) A permit or a certificate issued in violation of the law of a foreign country or in violation of the Convention is invalid.
- (12) If any condition attached to a permit or certificate has not been complied with, it may be cancelled by the Management Authority.
- (13) In the event that a similar permit or certificate is required in terms of the Threatened or Protected Species Regulations, 2007 than under these regulations, a permit or certificate in terms of these regulations must be regarded as compliant with the Threatened or Protected Species Regulations, 2007 and no additional permit or certificate is required.

PART 5

REGISTRATION AND MARKING

11. Registration and Markings

- (1) All persons wishing to trade in 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 trade purposes of any species listed in Appendix I must be registered with the Management Authority and 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 applicants 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 stocks and of any transactions. 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 with Resolution 12.10 of the Resolutions 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 unauthorized 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

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 lay down in these Regulations and the custom 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 certificate upon request.
- (2) In the event that a pre-Convention 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, provided that it is done in compliance with Article VII of the Convention.

15. Scientific exchange

- (1) The documents referred in Part 4 of these Regulations are not be 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) 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****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 the condition of that permit or certificate;
 - (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, delace or erase a mark used by the Management Authority to individually and permanently identify specimens; or

(e) obstruct or otherwise hinder an Officer in the performance of his or her duties.

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

(a) imprisonment for a period not exceeding ten years;

(b) a fine not exceeding R10 million; or

(c) both such fine or imprisonment.

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 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 and enforcement officer

PART 8 FINANCIAL PROVISIONS

19. Fees

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 Issuing Authority.

PART 9 GENERAL

20. Short title and Commencement

These regulations are called the CITES Regulations, 2009, and take effect on a date determined by the Minister by notice in the Government Gazette.

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 utilization 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 IV

Sample permit format and instructions



**Convention on International Trade
In Endangered Species of
Wild Fauna and Flora**



*Cancelled
specimen*

Article VII (6)

Label for non-commercial loan, donation or exchange of museum and herbarium specimens from CITES registered Scientific Institutions in South Africa.

SCIENTIFIC MATERIAL:

Label No: 000201

South African Institution:	Overseas Institution:
Name/Responsible Person:	Name/Responsible Person:
Address:	Address:
Registration Code:	Registration Code:
Description of Content:	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 Article III, IV and V of CITES should also be considered during the exchange.	
CITES Management Authority South Africa Department of Environmental Affairs and Tourism, Private Bag X447, Pretoria, 0001, South Africa.	

Instructions and Explanations

1. Article VII (6) states that the provisions of Article III, IV and V shall not apply to the non-commercial loan, donation or exchange between scientists or scientific institutions registered by a Management Authority of their States, of herbarium specimens, other preserved, dried or embedded museum specimens, and live plant material which carry a 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.

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
Renewal – permit expired	R150.00
Lost / stolen permit	R150.00