

NOTICE 1101 OF 2010

DEPARTMENT OF ENVIRONMENTAL AFFAIRS

NATIONAL ENVIRONMENTAL MANAGEMENT: BIODIVERSITY ACT, 2004 (ACT NO. 10 OF
2004)PROPOSED AMENDMENTS TO THE CONVENTION ON INTERNATIONAL TRADE IN
ENDANGERED SPECIES OF WILD FAUNA AND FLORA (CITES) REGULATIONS

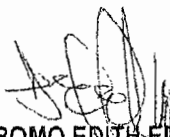
I, Bomo Edith Edna Molewa, Minister of Water and Environmental Affairs, hereby, in terms of section 100 of the Act, publish for public comment, the draft CITES Amendment Regulations in the Schedule hereto. For the convenience of the public, the amendments are indicated in bold and underlined.

Any person who wishes to submit representations or comments in connection with the CITES Amendment Regulations is invited to do so within 30 days of the date of this notice. All representations and comments must be submitted in writing to the Director-General of the Department of Environmental Affairs:

By post to: The Director-General: Environmental Affairs
Attention: Ms Sonja Meintjes
Private Bag X447
Pretoria, 0001

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

Comments received after the closing date may not be considered.



BOMO EDITH EDNA MOLEWA
MINISTER OF WATER AND ENVIRONMENTAL AFFAIRS

GENERAL EXPLANATORY NOTE:

- [] Words in bold typed in square brackets indicate omissions from existing enactments.
- Words underlined with a solid line indicate insertions in existing enactments.

SCHEDULE**Definitions**

1. In these regulations—

“the Regulations” means the Convention on International Trade in Endangered Species (CITES) Regulations, 2010 published in Government Gazette No.33002, Government Notice No. R.173 of 5 March 2010.

Amendment of Regulation 3 of the Regulations

2. Regulation 3 of the Regulations is hereby amended by—

- (a) the substitution for subregulation (3) of the following subregulation:

“(3) The National Minister responsible for environmental affairs is the authority responsible for the issuing of 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[, **in marine protected areas**]; or
- (c) if the applicant is an organ of state. [**by a provincial department on land under its jurisdiction; or**]
- (d) [**by a national department on land under its jurisdiction.**].”

Amendment of Regulation 7 of the Regulations

3. Regulation 7 of the Regulations is hereby amended by—
- (a) the substitution of subregulation (3) of the following subregulation:

“(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.”;

- (b) the substitution of subregulation (4) of the following subregulation:

“(4) The import of any specimen of species included in Appendix III requires the prior presentation of a certificate of origin, an import permit and[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 from.”;

Amendment of Regulation 10 of the Regulations

4. Regulation 10 of the Regulations is hereby amended by—
- (a) the insertion of subregulation (1)(A):

“(1)(A) A person may apply for a permit by submitting an application to the applicable Management Authority specified in Regulation 3(3) or (4) on the form set out in Appendix 4A to these regulations.”;

- (b) the substitution of subregulation (3) of the following subregulation:

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

- (c) the substitution of subregulation (14) of the following subregulation:

"(14) 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.";

- (d) the insertion of subregulation (14)(A)

"(14)(A) The Management Authority may at any time amend any permit or certificate it has issued if it deems it necessary to do so, or at the request of the applicant."

Amendment of Regulation 19 of the Regulations

5. Regulation 19 of the Regulations are hereby amended by—

- (a) the substitution of Regulation 19 of the following Regulation:

"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 [**Issuing Authority**].

(2) Notwithstanding the provisions in subregulation (1) organs of state are not required to pay the fees referred to in Appendix V."

Short title and commencement

6. These regulations are called the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) Amendment Regulations, 2010, and take effect on a date of publication thereof in the Gazette.
-