



## NOTICE TO THE WILDLIFE IMPORT/EXPORT COMMUNITY



September 18, 2007

### **Subject: Revision of U.S. CITES Regulations**

**Background:** On August 23, 2007, the U.S. Fish and Wildlife Service (Service) published a [final rule](#) updating regulations that implement the Convention on International Trade in Endangered Species (CITES) in the United States (50 CFR Part 23). These regulations incorporate resolutions that have been adopted by CITES member nations since the late 1970s and that have already been put into effect over the years.

Written in plain language, the new regulations provide a comprehensive, easy-to-use guide on how to trade in CITES species. Most parts of the new regulations explain procedures and requirements that are already in effect. A few provisions, however, are new and may change some aspects of how individuals, businesses, and institutions import and export CITES species.

**Action:** The Service's revised CITES regulations go into effect on September 24, 2007. We strongly encourage all those who import or export CITES species to review these regulations as they may clarify existing procedures and provide a better understanding of permit requirements, recordkeeping, permit validity, and other aspects of trading in CITES-listed wildlife and plants.

Although these regulations for the most part restate current CITES requirements and Service policies and procedures that have already been implemented, we call attention to the following changes:

**Validation (§§ 23.23(c)(21), 23.26(c)(18), and 23.27):** The appropriate inspection authority must validate all CITES documents at the time of export or re-export. (Such validation confirms that the actual quantity of CITES specimens in the shipment does not exceed the quantity authorized for trade on the CITES document.) The Service will no longer accept CITES documents for imports of CITES species that have not been validated; such shipments will be considered unlawful and may be detained or seized.

**Required information for CITES documents (§ 23.23):** The new regulations specify that CITES documents must contain certain required information to be considered valid. Some required information must appear on all CITES documents (e.g., date of issue and expiration; complete description of the specimen; scientific name; a unique document control number; the complete name and address of the exporter and importer, including country; purpose of the transaction; quantity, etc.). The regulations also specify certain additional information that must appear on specific types of CITES documents.

**Use of CITES species after import (§ 23.55):** The new regulations clarify that any conditions placed on the use of CITES specimens at the time of import will continue to determine the allowable use of CITES wildlife or plants once they are in the United States. Since most Appendix I and certain Appendix II specimens (for example, those listed under the U.S. Endangered Species Act) can only be imported for noncommercial purposes, any subsequent use of those specimens, including transfer, donation, or exchange, must also be noncommercial.

**Registration of commercial breeding operations for Appendix I species (§ 23.46):** The new regulations require operations that breed Appendix I wildlife for commercial purposes to be registered

with the Service for each Appendix I species maintained at the operation. Registered breeding operations will be able to export Appendix I species for commercial purposes with a CITES export permit; no import permit will be required.

In the past, most U.S. commercial breeders of Appendix I wildlife have applied for permits under Article III of the treaty instead of registering their operations. In the future, the Service will issue permits to such applicants under this article only in exceptional circumstances.

**Caviar labeling (§ 23.71):** The new regulations implement the CITES-recommended universal labeling system for containers of sturgeon and paddlefish caviar. Sturgeon caviar imports, exports, and re-exports must bear non-reusable labels affixed by the caviar processing plant in the country of origin showing all of the following information: a standardized species code; source code; two-letter ISO code of the country of origin; year of harvest; and processing plant code and identification number. The regulations also codify labeling requirements for caviar that has been repackaged before export or re-export.

**Definition of sport-hunted trophy (§ 23.74(b)):** The new regulations define sport-hunted trophy as the "raw or tanned parts of a specimen that was taken by a hunter, who is also the importer, exporter, or re-exporter, during a sport hunt for personal use." The definition goes on to clarify that bones, claws, hair, head, hide, hooves, horns, meat, skull, teeth, tusks, or any taxidermied part (such as a rug or taxidermied head, shoulder, or full mount) will be considered sport-hunted trophies. Handicraft items or items manufactured from the trophy for utilitarian use (such as clothing, curios, ornamentation, and jewelry) cannot be imported or exported as sport-hunted trophies.

**Tagging (§§ 23.69(c), 23.70(d), and 23.74(d)):** The new regulations state that self-locking tags (such as those required for certain skins and hides imported as sport-hunted trophies) must actually be inserted through the skin.

**Personal and household effects (§ 23.5 and § 23.15):** The new regulations provide a more detailed explanation of how people may travel with personal CITES items and move them when they change residence from one country to another. The regulations define personal and household effects and clarify when such items are exempt from CITES permit requirements.

Personal effects (which include tourist souvenirs lawfully purchased overseas) are specifically defined as dead wildlife or plant specimens worn as clothing or accessories or carried by travelers in the baggage that accompanies them on the same plane, train, or other conveyance. Items must meet specific criteria cited in the regulations (see below); specimens that are mailed or shipped separately do not qualify for the exemption.

Household effects consist of dead wildlife or plant specimens that are shipped as part of a household move and that meet other requirements cited in the regulations (see below). Such items must have been acquired before owners change their residence, and they must be imported or exported within one year of the change of residence.

The regulations specify that the exemption for personal and household effects does not apply to live specimens (including eggs and seeds) or to specimens listed in Appendix I (except for certain pre-Convention worked African elephant ivory). Nor does it apply if the importing, exporting, or re-exporting country requires a CITES document (some CITES member nations have not exempted personal and household effects from permit requirements). The items must be for personal use (not commercial use, as defined in § 23.5), and the quantity and nature must be reasonably appropriate for the trip or move.

The regulations also identify specimens for which CITES member nations have set limits on the number that may be imported or exported as personal and household effects. These specimens include sturgeon

caviar, seahorses, crocodilian parts and products, queen conch and giant clam shells, and cacti rainsticks. When quantities of these items exceed the established limits, a CITES document will be required for the entire amount (not just the items in excess of the limit).

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