



Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

Simple guidance for first time applicants: Commercial Use

These notes are for guidance only and are not a full statement of the law. If you need points of law to be explained, you should obtain independent legal advice.

1 Introduction

The CITES Convention regulates trade in endangered species by controlling the import, (re)export, sale or movement of certain CITES listed species unless a permit or certificate has been issued by a CITES Management Authority (MA). The UK CITES MA is the Animal and Plant Health Agency (APHA), Centre for International Trade - Bristol..

2 Controls on commercial use

You only need a certificate if you are going to use an Annex A specimen for commercial purposes. **You do not need a certificate simply to possess an Annex A CITES specimen or if you are giving it away** (although you may need one to move it within the EU, and will need an export/re-export permit to move it out of the EU – see GN1).

The word 'specimen' means any living or dead plant or animal (or any parts of it) that is listed in one of the Annexes A-D of Council Regulation 338/97 (as amended).

'Commercial use' includes the purchase, sale, offering for sale and display for commercial purposes of any Annex A specimen. You will also need a certificate if you are breeding from Annex A specimens to sell offspring, even if you do not plan to sell the parents.

These activities all need to be covered by an Article 10 certificate, which can be either

(i) a '**Transaction Specific Certificate**' (**TSC**) which is issued in the name of the applicant and may only be used by them for one transaction ; or

(ii) a '**Specimen Specific Certificate**' (**SSC**) which may be used by anybody in possession of the specimen.

Each certificate will state whether it is a TSC or an SSC. (For further details see GN2)

Before you buy a specimen, you must make sure it has a valid certificate or import permit and, if necessary, apply for another certificate if you want to resell it or use it commercially in any way.

There are some exceptions to these rules, which relate to:

- antique specimens
- specimens of certain bird species or their hybrids (see paragraph 10)
- artificially propagated plants
- Stricter measures within the UK on the sale of raw ivory, tiger parts, rhino horn etc

3 Marking

You can sell live Annex A vertebrates (animals with backbones) only if they are marked with a unique identification number (see GN2 for further details)

You may not have to mark specimens if you can send us evidence to show that their physical or behavioural characteristics mean that any method of marking would harm them.

4 Controls on Annex B listed specimens

You do not need a CITES certificate to possess or trade in specimens of species listed on Annex B. However you must be able to provide evidence to show they were lawfully imported or acquired within the EU.

5 Gifts and donations

You do not need a certificate if you want to give your specimens away, or use or display them for non-commercial purposes. However, if some type of exchange or other benefit in kind will be involved, including some charitable donations, this will fall within the definition of a commercial transaction and you will need a certificate. If in doubt, contact us for advice – see paragraph 11.

If you receive a specimen as a gift you should ask the person who gave it to you for details of its origin, as we will need this information if you decide to use it commercially and apply for a certificate.

6 How do I apply?

Application forms for CITES permits and certificates are available on our website or you can request them from our enquiries desk – see paragraph 11 of this guidance note.

It is your responsibility to supply all the information required to process your application, so you should fill in as much of the information as you can. The more information you are able to give, the quicker your application will be processed. If there is not enough information, it is possible your application may be refused. Please contact us for assistance if you have any difficulty completing the application form.

Please include a telephone number and e-mail address so we can contact you quickly if we need to.

You should not undertake any commercial activity until you have received the certificate.

7 Supporting Documents

When you make an application you must send in documents to show the specimen was acquired or imported lawfully. These could be:

- for imported specimens: a copy of the original import permit stamped by the UK Border Agency (UKBA) or the number of that permit
- for specimens previously issued with an Article 10 certificate: the original yellow copy of the certificate
- for wild taken specimens: a copy of any licences issued to allow it to be removed from the wild

You may still be able to obtain an Article 10 certificate if you do not have any of the above documentation. Send us the fullest possible details of the origin of the specimen, for example

- details of its parents and the breeder's name
- parents' certificate numbers
- a letter or affidavit confirming the specimens were bred in captivity/imported/obtained lawfully.

8 Turnaround times and Customer Service Charter

We have published Service Standards as part of the Government's service initiative to raise standards of public service. We aim to process 90% of **complete** applications within 15 working days and the remainder within 30 working days. You should allow this amount of time for your application to be processed.

9 Release of Information

Information (including personal details) supplied in applications may be used for the purposes of monitoring compliance and in the investigation and prosecution of possible offences. Information may be passed to the UK Border Agency, the Police and the National Wildlife Crime Unit (NWCU) for this purpose. It is a condition of making an application that you agree to APHA passing on information to these organisations.

Your personal information may also be used for quality monitoring. Please let us know if you do not wish to be contacted as part of a customer satisfaction survey.

10 Species not requiring individual certificates from us

You do not need a certificate to use captive bred specimens of certain bird species listed on Annex X of EC Regulation 865/2006 commercially.

11 Enquiries desk and application forms

If you have any questions or would like an application form, please contact us or down- load them from the website.

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