

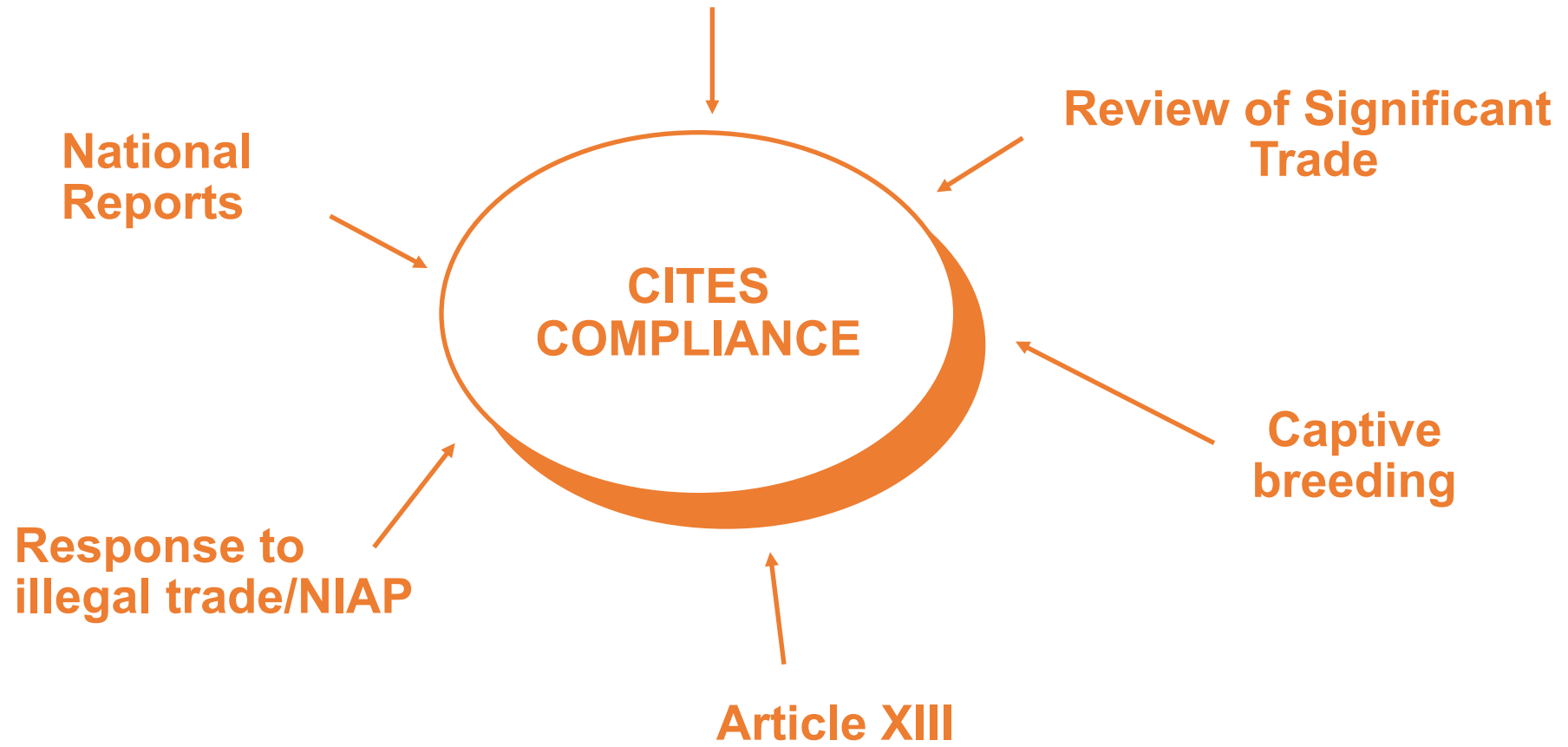


# Implementing CITES in National Legislation

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# CITES COMPLIANCE

## National Legislation Project



# NLP - Analysis (1)

Under Resolution Conf. 8.4 (Rev. CoP15), the Secretariat is directed to identify those Parties whose domestic measures do not provide them with the authority to

1. Designate at least one Management Authority and one Scientific Authority
2. Prohibit trade in specimens in violation of the Convention
3. Penalize such trade; or
4. Confiscate specimens illegally traded or possessed

*These are the four minimum requirements to national legislation for the implementation of CITES*

# NLP - Analysis (2)

Based on analysis, legislation is placed in one of three categories:

**Category 1:** legislation that is believed generally to meet the requirements for implementation of CITES

**Category 2:** legislation that is believed generally not to meet all requirements for the implementation of CITES

**Category 3:** legislation that is believed generally not to meet the requirements for implementation of CITES

# Key Convention provisions

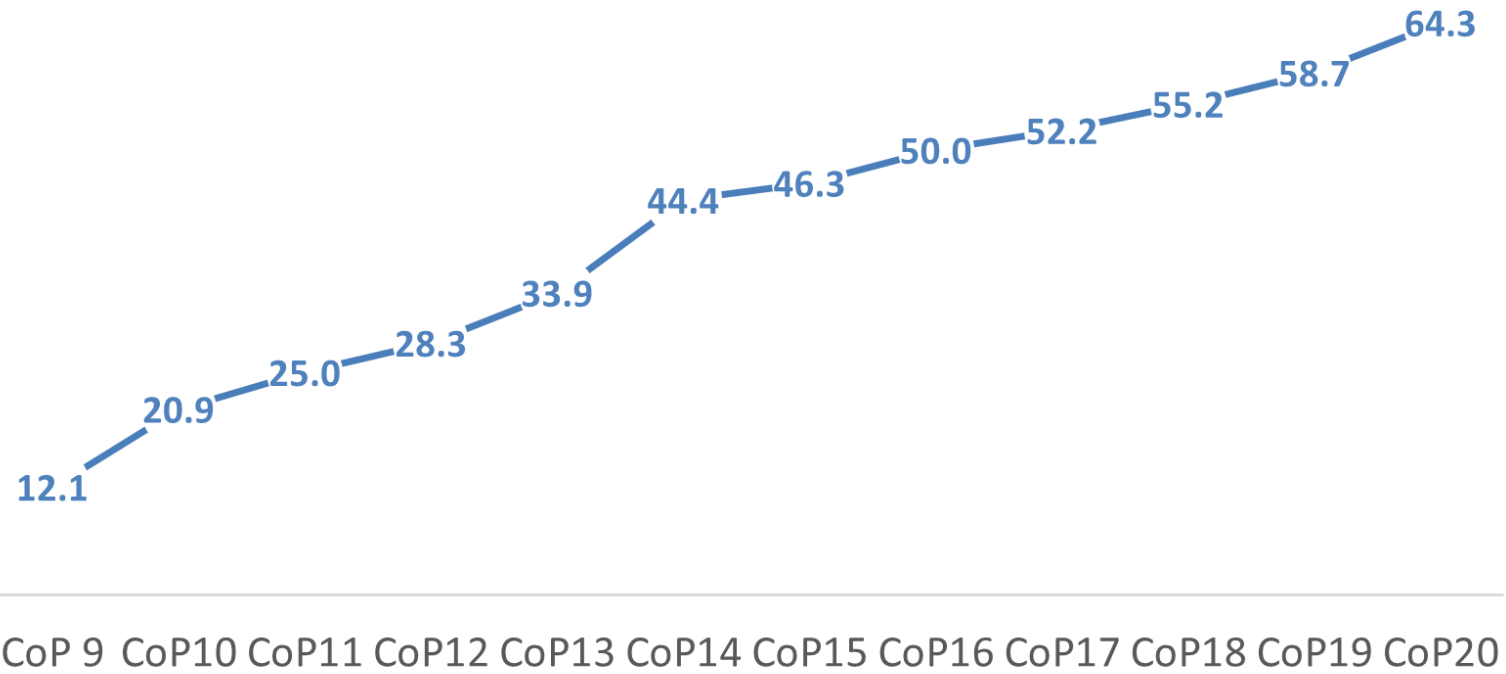
- The Parties have some guidance on what is essential to include in their legislation
  - **Article II** of the Convention requires Parties to only allow trade in specimens of CITES-listed species in accordance with the provisions of the Convention
  - **Articles III to VII** set forth the conditions under which trade is allowed to take place
  - **Article IX** requires that Parties designate a Management Authority and a Scientific Authority
  - **Article VIII** requires that Parties prohibit trade in specimens in violation of the Convention, and penalize such trade and allow for confiscation of specimens illegally traded or possessed

# Current status of the NLP

<b>National Legislation Project May 2025</b>		
<b>Category</b>	<b>Parties</b>	<b>Percent</b>
<b>Cat. 1</b>	<b>119</b>	<b>64.3%</b>
<b>Cat. 2</b>	<b>46</b>	<b>25%</b>
<b>Cat. 3</b>	<b>19</b>	<b>10.2%</b>
<b>Recent Parties</b>	<b>1</b>	<b>0.5%</b>
<b>Total</b>	<b>185</b>	<b>100.0%</b>



## Percentage of Parties with legislation in Category 1 at CoP20



# Resolution Conf. 8.4 (Rev. CoP15) and related guidance

- The practical application of each of the four requirements involves considering and addressing several components.
- These components help to clarify what is meant by each requirement and to provide criteria for determining whether a requirement is met by the legislation of the Party concerned.
- The components are not equally considered under the NLP. They are considered as follows in this presentation:
  - Essential (e.g. required by the Convention itself);
  - Recommended (e.g. in a Resolution); or
  - Good practice (e.g. derived from Category 1 legislation or other sources)

# I. Designation of authorities

## Essential *Art. IX*

The **CITES Management Authorities** and **CITES Scientific Authorities** should be **designated by a legal instrument** (law, regulation, decree)

The legislation should clearly and precisely describe the **roles and responsibilities** of the national CITES MA and SA and specifically give them the powers to carry out these responsibilities (power to grant – and not to grant - permits and certificates, power to establish export quotas, etc.)

## Recommended

*Res. Conf. 10.3, Res. Conf. 11.3, Res. Conf. 18.6*

# II. Prohibition of trade violating CITES

## Essential

### *Articles II, III, IV, V, VI and VII*

- **All species** included in the three Appendices of the Convention must be covered by national legislation irrespective of whether they are native or exotic.
- **Timely (automatic) amendment** of any annexes or schedules to reflect periodic changes made to the Appendices.
- All types of CITES **specimens** (live or dead animals and plants, as well as parts and derivatives) taking into account all annotations used in the Appendices
- All types of **trade transactions** under the Convention (export, import, re-export, and introduction from the sea, irrespective of their commercial or non-commercial character)

# Prohibition of trade violating CITES (2)

## Essential (Continued)

- **General clause prohibiting** any trade in CITES specimens in violation of the Convention (e.g. without a valid permit or certificate), as a catch-all provision
- **Conditions and procedures** for the granting of permits and certificates required for trading in CITES specimens should be clearly set out in the legislation to ensure that such trade is legal (legal acquisition finding), sustainable (NDF) and traceable (marking etc.)
- The **care of live animals** in trade should be addressed in the legislation
- The legislation should consider **exemptions and special procedures** set out in the Convention Article VII, as appropriate

## Recommended

*Res. 12.3, Res. 10.21, Res. 9.6, Res. 9.7*

# III. Penalization of illegal trade

## Essential

*(Conv. Art. VIII)*

- A clear definition of the **prohibited actions/activities** should be included in the legislation, for example:
  - trade without a **valid permit/certificate**
  - **possession** of specimens that were illegally acquired/introduced
  - **Falsification** of documents / mis-declaration of origin/volume of the specimens
  - **Attempts** at any of the above
- The legislation should specify that such actions/activities constitute an **offence** which is punishable by with adequate penalties, including imprisonment, fine, confiscation, suspension of activity, etc.

## Recommended

*Resolution Conf. 11.3 (Rev. CoP19)*

# IV. Authorization to confiscate

## Essential

*Conv. Article VIII, paragraph 1(b), paragraph 2*

- The legislation (either specialized CITES legislation or other legislation) shall provide for the **permanent confiscation** - as distinguished from the **temporary seizure** - of illegally traded or possessed specimens

## Recommended

*Res. Conf. 17.8 (Rev. CoP19)*



# Developing national legislation

- Parties' experience in the development of strengthened CITES implementing legislation has shown the importance of
  - **simultaneous preparation** of enabling and implementing legislation
  - provision for the timely incorporation **of periodic amendments** to the CITES Appendices
  - addressing **illegal possession** as well as illegal trade
  - **ensuring policy coherence** in relation to national wildlife trade policy, other biodiversity-related conventions to which a State is party, natural resource management (including fisheries management), the criminal justice system and development policy

# Support

- [www.cites.org](http://www.cites.org)
- NLP web page
- Model law (2021). Available in [English](#), [French](#), [Spanish](#), [Portuguese](#), [Arabic](#) and [Russian](#)
- CITES virtual college
- [Sofie.flensborg@cites.org](mailto:Sofie.flensborg@cites.org)



**Thank you!**