

EXTRACTS OF SCHEDULE 3

[ss. 2, 4, 19 &
48(1)]

PART 1

INTERPRETATION AND APPLICATION

II. “Appropriate and acceptable destination”
(適當和可接受的目的地)

Where the term “appropriate and acceptable destination” appears in an annotation to the listing of a species in Appendix II with reference to the export of or international trade in live animals, this term shall be defined to mean a destination where the relevant authority of the ~~state~~-[place](#) of import is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for it.

III. “Artificially propagated” (人工培植)

Regarding the definition of “artificially propagated”

1. The following definitions for terms are used –

(b) “cultivated parental stock” means the ensemble of plants grown under controlled conditions that are used for reproduction, and which must have been, to the satisfaction of the relevant authority of the exporting ~~country~~place –

- (i) established in accordance with the provisions of the Convention and relevant domestic laws and in a manner not detrimental to the survival of the species in the wild; and
- (ii) maintained in sufficient quantities for propagation so as to minimize or eliminate the need for augmentation from the wild, with such augmentation occurring only as an exception and limited to the amount necessary to maintain the vigour and productivity of the cultivated parental stock.

4. An exception may be granted and specimens deemed to be artificially propagated if grown from wild-collected seeds or spores only if, for the taxon involved –

- (a) (i) establishment of a cultivated parental stock presents significant difficulties in practice because specimens take a long time to reach reproductive age, as for many tree species;
- (ii) the seeds or spores are collected from the wild and grown under controlled conditions within a range

state, which must also be the ~~country~~place of origin of the seeds or spores;

- (iii) the relevant authority of that range state has determined that the collection of seeds or spores was legal and consistent with relevant domestic laws for the protection and conservation of the species; and
- (iv) the relevant authority of that range state has determined that –
 - (A) collection of the seeds or spores was not detrimental to the survival of the species in the wild; and
 - (B) allowing trade in such specimens has a positive effect on the conservation of wild populations;

IV. “Bred in captivity” (圈養繁殖)

Regarding the term “bred in captivity”

3. The term “bred in captivity” shall be interpreted to refer only to specimens born or otherwise produced in a controlled environment, and shall apply only if -

- (a) the parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or the parents were in a controlled environment when development of the offspring began, if reproduction is asexual; and
- (b) the breeding stock, to the satisfaction of the competent government authorities of the exporting ~~country~~ place –
 - (i) was established in accordance with the provisions of the Convention and relevant domestic laws and in a manner not detrimental to the survival of the species in the wild;
 - (ii) is maintained without the introduction of specimens from the wild, except for the occasional addition of animals, eggs or gametes, in accordance with the provisions of the Convention and relevant domestic laws and in a manner not detrimental to the survival of the species in the wild –
 - (A) to prevent or alleviate deleterious inbreeding, with the magnitude of such addition determined by the need for new genetic material; or
 - (B) to dispose of confiscated animals; or

- (C) exceptionally, for use as breeding stock;
and
- (iii) has produced offspring of second generation (F2) or subsequent generation (F3, F4, etc.) in a controlled environment; or is managed in a manner that has been demonstrated to be capable of reliably producing second-generation offspring in a controlled environment.

Regarding ~~the trade in~~ marking of specimens of Appendix I species bred in captivity

4. ~~The trade in a~~ A specimen bred in captivity shall be ~~permitted only if it is~~ marked in accordance with the provisions on marking in the Resolutions adopted by the Conference of the Parties and ~~if~~ the type and number of the mark ~~are~~ shall be indicated on ~~the any Convention certifying~~ document ~~authorizing the trade~~ issued in respect of the specimen.

VI. “Readily recognizable part or derivative”
(可輕易地識別的部分或衍生物)

5. ~~For the different forms of corals, the following definition is adopted~~In this Schedule –

- (a) ~~Coral~~“coral sand” means — coral material not identifiable to the level of genus and consisting entirely or in part of finely crushed fragments of dead coral no larger than 2 mm in diameter and which may also contain, amongst other things, the remains of Foraminifera, mollusc and crustacean shell, and coralline algae. ~~Not identifiable to the level of genus.;~~
- (b) ~~Coral~~“coral fragments” means ~~(including gravel and rubble)~~— unconsolidated fragments of broken finger-like dead coral and other coral material between 2 and 30 mm in diameter, which ~~is~~are not identifiable to the level of genus.;
- (c) ~~Coral~~“coral rock” (also live rock and substrate) — means hard consolidated coral material not identifiable to the level of genus but identifiable to the level of order, >larger than 3 cm in diameter, formed of fragments of dead coral and which may also contain cemented sand, coralline algae and other sedimentary rocks. ~~—, and includes live rock and substrate, but does not include dead coral;~~
- (d) “Live-live rock” is the term given to~~means~~ pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water, in crates. ~~—;~~

- (e) ~~“Substrate” is the term given to~~ substrate means pieces of coral rock to which are attached invertebrates (of species not included in the Appendices) and which are transported in water like live corals. ~~—; Coral rock is not identifiable to the level of genus but is recognizable to the level of order. The definition excludes specimens defined as dead coral.~~
- (d) ~~Dead~~ “dead coral” means —pieces of coral identifiable to the level of species or genus, that ~~which~~ are dead when exported, but ~~that~~ which may have been alive when collected, and in which the structure of corallites (the skeleton of the individual polyp) is still intact; ~~specimens are therefore identifiable to the level of species or genus.~~
- (eg) ~~Live~~ “live coral —means pieces of ~~live~~ coral transported in water and that are identifiable to the level of species or genus, which are alive and transported in water.

PART 2

PERMITS AND CERTIFICATES

Regarding export permits and re-export certificates

3. A re-export certificate shall also specify –
- (a) the ~~country~~-place of origin, the number of the export permit of the ~~country~~-place of origin and its date of issue; and
 - (b) the ~~country~~-place of last re-export, the number of the re-export certificate of that ~~country~~-place and its date of issue, or if the case arises –
 - (c) justification for the omission of any of the aforementioned information.

4. **Subject to paragraph 16 of this Part**, the provisions of Article III, paragraph 3, Article IV, paragraph 4, Article V, paragraph 3, and Article VI, paragraph 2, of the Convention **shall** be understood to mean that an export permit or re-export certificate shall be valid for a period of no more than 6 months from the date on which it was granted and that it may shall not be accepted to authorize export, re-export or import except during the period of validity.

~~6. Parties should shall not authorize the import of any specimen if they have reason to believe that it was not legally acquired in the country of origin.~~

Regarding pre-Convention certificates

9. ~~Parties should shall include on all~~All pre-Convention certificates ~~issued~~
shall include either the precise date of acquisition of the specimens concerned or
a certification that the specimens were acquired before a specific date, in
accordance with paragraph 8(*b*) above.

Regarding certificates of origin

10. ~~Certificates of origin for export of specimens of species listed in Appendix III shall only be issued by the relevant authority if trade is from a state not a Party to the Convention, and that Parties shall not accept certificates of origin unless they are issued by such authorities.~~

Regarding phytosanitary certificates

13. ~~Any Party having considered the practices governing the issue of its phytosanitary certificates for export of artificially propagated Appendix II specimens, and having determined that such practices provide adequate assurance that the specimens are artificially propagated, may consider these documents~~A phytosanitary certificate used as a certificates of artificial propagation in accordance with Article VII, paragraph 5, of the Convention for the purpose of the export of an artificially propagated specimen of an Appendix II species. ~~Such certificates must~~ shall include the scientific name of the species and the type and quantity of the specimens covered by the certificate, and bear a stamp, seal or other specific indication stating that the specimens are artificially propagated.

Regarding permits and certificates for timber species included in Appendix II and Appendix III with the annotation “Designates logs, sawn wood and veneer sheets”

16. The validity of the export permit or re-export certificate may be extended beyond the normal maximum of 6 months after the date of issue, on the condition that –

- (a) the shipment has arrived in ~~the port of final destination~~ place of import before the date of expiration indicated on the permit or certificate and is being held in Customs bond (i.e. is not considered as imported);
- (b) the time extension does not exceed 6 months from the date of expiration of the permit or certificate and no previous extension has been granted;
- (c) the appropriate enforcement personnel of the place of import who extended the validity of the permit or certificate has included the date of arrival in that place and the new date of expiration in the box relating to special conditions, or an equivalent place, on the ~~export~~ permit or ~~re-export~~ certificate, certifying the modification with an official stamp or seal and signature;
- (d) the shipment is to be imported into another place for consumption from the ~~port~~ place of import ~~where it was located when the extension was approved and~~ before the new date of expiration; and
- (e) a copy of the ~~export~~ permit or ~~re-export~~ certificate as amended in accordance with subparagraph (c) above is sent to the relevant authority of the place ~~country~~ of export

or re-export, allowing it to amend its annual report, and to the Secretariat.

Regarding retrospective issue of permits and certificates

17. A permit or certificate issued retrospectively shall not be accepted except that in a particular case, the Director may , having regard to the requirements concerning the retrospective issue of documents under the Convention or any Convention instrument , accept the permit or certificate .

~~The relevant authority of an exporting or re-exporting country shall—~~

- ~~(a) — not issue permits and certificates under the Convention retrospectively;~~
- ~~(b) — not provide exporters, re-exporters and/or consignees in importing countries with declarations about the legality of exports or re-exports of specimens having left its place of export or re-export without documents required by the Convention; and~~
- ~~(c) — not provide exporters, re-exporters and/or consignees in importing countries with declarations about the legality of permits or certificates which at the time of export, re-export or import did not meet the requirements of the Convention.~~

~~18.—The relevant authority of an importing country, or of a country of transit or transshipment, shall not accept permits or certificates that were issued retrospectively.~~

~~19.—Exceptions to paragraph 17 or 18 above shall not be made with regard to Appendix I specimens, and shall be made with regard to Appendix II and Appendix III specimens only where the relevant authority of both the exporting (or re-exporting) and the importing countries are, after a prompt and thorough~~

~~investigation in both countries and in close consultation with each other, satisfied—~~

- ~~(a) — that the irregularities that have occurred are not attributable to the exporter (or re-exporter) or the importer; or, in the case of specimens imported, exported or re-exported as personal or household effects including live pets travelling with their owner, the relevant authority, in consultation with the relevant enforcement authority, is satisfied that there is evidence that a genuine error has been made, and that there was no attempt to deceive; and~~
- ~~(b) — that the export (or re-export) and import of the specimens concerned are otherwise in compliance with the Convention and with the relevant legislation of the countries of export (or re-export) and import.~~

~~20. — Whenever exceptions are made—~~

- ~~(a) — the permit or certificate shall clearly indicate that it is issued retrospectively; and~~
- ~~(b) — the reasons for the relaxation, which should shall come within the purview of paragraph 19 above, are shall be specified on the permit or certificate and a copy sent to the Secretariat.~~

Regarding acceptance and clearance of documents
and security measures

21. ~~Where a Permits-permit and-or~~ certificates ~~shall not be accepted if they have~~has been altered (by rubbing out, scratching out, etc.), modified or crossed out, ~~unless~~ the alteration, modification or crossing-out ~~shall be~~ has been authenticated by the stamp and signature of the relevant authority issuing the document.

22. ~~When-Where~~ a security stamp is affixed to a permit or certificate, ~~the Parties shall refuse the document if~~ the security stamp ~~shall be~~ is not cancelled by ~~a~~ the stamp or seal and signature of the relevant authority issuing the document ~~and a stamp or seal.~~

~~23.— Any permit or certificate that is invalid, including authentic documents that do not contain all the required information as specified in this Part or that contain information that brings into question the validity of the permit or certificate, shall not be accepted.~~

24. Permits and certificates ~~that do not~~shall indicate the scientific name of the species concerned (including subspecies when appropriate) ~~shall not be accepted,~~ except in the case where –

- (a) the Conference of the Parties has agreed that the use of higher taxon names is acceptable;
- (b) the relevant authority issuing the permit or certificate can show it is well justified and has communicated the justification to the Secretariat;
- (c) certain manufactured products contain pre-Convention specimens that cannot be identified to the species level; or
- (d) worked skins or pieces thereof of *Tupinambis* species that were imported before 1 August 2000 are being re-exported,

in which case it is sufficient to use the indication
Tupinambis spp.

Regarding documents for sample collection covered by ATA (which means “temporary admission”) carnets

26. Such sample collections **shall** be considered as “in transit” and entitled to the special provisions stipulated in Article VII, paragraph 1, of the Convention on the following conditions –

- (a) a sample collection s shall be covered by **an** ATA carnets and be accompanied by a Convention certifying document, on which it shall be indicated that the document is a permit or certificate either for “export” or “re-export”, as appropriate, and/or “other” and, in addition, it shall be clearly specified that the document is issued for a “sample collection”;
- (b) it shall be specified in an appropriate place of the **document** that “This document covers a sample collection and is invalid unless accompanied by a valid ATA carnet. The specimen(s) covered by this certificate may not be sold or otherwise transferred whilst outside the territory of the place that issued this document.” The number of the accompanying ATA carnet **shall** be recorded;
- (c) the name and address (including the country) of the importer and the exporter or re-exporter shall be identical, and in an appropriate place of the **document** the names of the countries-places to be visited shall be indicated;
- (d) the date of expiry of such a document shall not be later than that of the ATA carnet accompanying it and the period of validity shall not be more than 6 months from the date on which it was granted.

28. If specimens in the collection are stolen, destroyed or lost, **the owner of the collection shall inform** the relevant authority issuing the document **and** the relevant authority of the ~~country~~place in which that **matter** occurred **as soon as practicable**.

Regarding permits and certificates issued by the state
not party to the Convention

29. Permits and certificates issued by states not party to the Convention shall ~~not be accepted by Parties unless they~~ contain –

- (a) the name, stamp and signature of a competent issuing authority;
- (b) sufficient identification of the species concerned for the purposes of the Convention;
- (c) certification of the origin of the specimen concerned including the export permit number from the ~~country~~-place of origin, or justification for omitting such certification;
- (d) in the case of export of specimens of a species included in Appendix I or II, certification to the effect that the competent scientific institution has advised that the export will not be detrimental to the survival of the species (in case of doubt a copy of such advice **shall** be required) and that the specimens were not obtained in contravention of the laws of the ~~state~~-place of export;
- (e) in the case of re-export, certification to the effect that the competent authority of the ~~country~~-place of origin has issued an export document that substantially meets the requirements of Article VI of the Convention;
- (f) in the case of export or re-export of live specimens, certification to the effect that they will be transported in a manner that will minimize the risk of injury, damage to health or cruel treatment.