

The Administration's Response to Comments and Questions raised at the Bills Committee on the Protection of Endangered Species of Animals and Plants Bill meeting held on 19 January 2006

Penalty Level for Furnishing False Information

At the Bills Committee meeting on 19 January 2006, Members suggested that in addition to a fine at level 6, a person who commits an offence under clause 44(1) or 44(2) should be liable to imprisonment for six months on conviction. We agree with Members' suggestion and will move a Committee Stage Amendment to that effect.

Revised Schedule 3

2. When compiling Schedule 3, our original intention was to reproduce the original wording of the relevant parts of Convention instruments that would be given the force of law in Hong Kong. However, taking into account Members' comments at the last Bills Committee meeting, we propose to further revise some of the paragraphs in Schedule 3. The proposed amendments are set out in **Annex A** and summarized below:

- (i) to replace the terms "state" and "country" with "place" in the relevant provisions for consistency (see Part 1: section II, paragraphs 1(b) and 4(a)(ii) of section III, and paragraph 3(b) of section IV; and Part 2: paragraphs 3(a), 3(b), 16(e), 26(c), 28, 29(c), 29(d) and 29(e)). Corresponding amendments will be made to Schedule 1 (see paragraph 6 of Part 1, paragraphs 2 and 8(e) of annotations set out at the end of the Appendices);
- (ii) to amend or delete the relevant provisions involving the terms "parties" and "relevant authority of an country" to avoid any impression of imposing legal requirements on other overseas countries or places, and to avoid unnecessary duplication with the main text of the Bill (see paragraphs 6, 9, 10, 13, 17, 18, 19, 20, 22 and 23 of Part 2);

- (iii) to modify the wording of paragraph 5 of section VI of Part 1 regarding the definitions of different forms of corals, taking into account views expressed by Members at the last Bills Committee meeting; and
- (iv) to modify the wording of paragraph 4 of section IV of Part 1, and paragraphs 16, 21, 24 and 26(a) of Part 2 so as to harmonize the style of stating the relevant requirements.

Proposed Committee Stage Amendments

3. We submitted to the Bills Committee a set of proposed Committee Stage Amendments (CSAs) on 19 January 2006. A revised set of CSAs, incorporating the amendments proposed above, are at **Annex B**.

Environmental Protection Department
February 2006

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~~ 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~~f) ~~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.~~
- (~~e~~g) ~~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~~ a 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.

PROTECTION OF ENDANGERED SPECIES OF ANIMALS AND PLANTS BILL

COMMITTEE STAGE

Amendments to be moved by the Secretary for the Environment,
Transport and Works

<u>Clause</u>	<u>Amendment Proposed</u>
2(1)	<p>(a) By deleting the definition of "commercial purposes" and substituting -</p> <p>"commercial purposes" (商業目的) means -</p> <p>(a) a purpose relating to trade or business; or</p> <p>(b) a purpose of obtaining profit or other economic benefit (whether in cash or in kind) and directed towards sale, resale, exchange, provision of a service or other form of economic use or benefit, whether direct or indirect,</p> <p>and "non-commercial purposes" (非</p>

商業目的) shall be construed accordingly;".

(b) In the definition of "Convention export permit", by deleting "Convention export permit" (《公約》出口准許證)" and substituting "Convention certifying document" (《公約》證明文件)".

(c) By adding -

"former licence" (前許可證) means a licence within the meaning of section 7 of the repealed Ordinance;".

3

By deleting the clause and substituting -

"3. Meaning of "in transit"

For the purposes of this Ordinance, a thing is in transit if -

- (a) it is brought into Hong Kong from a place outside Hong Kong;
- (b) it is in the process of being taken to another place outside Hong Kong; and
- (c) it remains under the control of the Director or an authorized officer from the time it is

brought into Hong Kong up to
the time it is taken outside
Hong Kong." .

- 5(1)(b)(ii) By deleting "Convention export permit" and
substituting "Convention certifying document".
- 5(2)(b) By deleting "Convention export permit" and
substituting "Convention certifying document".
- 11(1)(b)(ii) By deleting "Convention export permit" and
substituting "Convention certifying document".
- 11(2)(b) By deleting "Convention export permit" and
substituting "Convention certifying document".
- 17 (a) In paragraphs (a) and (b), by deleting
"Convention export permit" and substituting
"Convention certifying document".
- (b) In paragraph (c) -
- (i) by deleting "Convention export
permit" and substituting
"Convention certifying document";
 - (ii) by deleting "that permit" and
substituting "that document".

- 18 In paragraphs (a), (b) and (c), by deleting
"Convention export permit" and substituting
"Convention certifying document".
- 19(1) In paragraphs (a)(i) and (b), by deleting
"Convention export permit" and substituting
"Convention certifying document".
- 21 (a) By re-numbering the clause as clause 21(1).
(b) In subclause (1), by adding "by documentary
evidence or otherwise" after "the Director".
(c) By adding -
 "(2) In subsection (1),
 "documentary evidence" (文件證據)
 includes but is not limited to a former
 licence, a certificate in lieu or other
 Convention certifying document.".
- 22(1) By deleting "Convention export permit" and
substituting "Convention certifying document".
- 22(2) (a) In paragraph (a), by deleting "Convention
export permit" and substituting "Convention
certifying document".

(b) In paragraph (b) -

(i) by deleting "date of the expected arrival of the vessel, vehicle, train or aircraft in" and substituting "intended date on";

(ii) in subparagraph (iii), by adding "where the animal is to be brought into Hong Kong by a vessel, vehicle, train or aircraft," before "providing".

22(3) In the English text, by deleting "purpose" and substituting "purposes".

29(1) By deleting "state" and substituting "give".

41 (a) In the heading, by deleting ", 38".

(b) By deleting ", 38".

42(1) By deleting ", 38".

44(3) By adding "and to imprisonment for 6 months" after "level 6".

55 By deleting subclause (1) and substituting -

"(1) In this section, "relevant date"
(有關日期) means the date of commencement of
this Ordinance."

55(6) By deleting "3" and substituting "6".

Schedule 1,
Part 1,
section 6 By deleting "countries" and substituting "places".

Schedule 1,
Part 2,
Appendix III By deleting "*Pelodiscus sinensis*<Chinese softshell
turtle>(China)".

Schedule 1 In paragraph 2 of the annotations set out at the
end of the Appendices -
(a) in sub-subparagraph (ii), in the Chinese
text, by deleting "是";
(b) by deleting "state" where it twice
appears and substituting "place".

Schedule 1 In paragraph 8 of the annotations set out at the
end of the Appendices -
(a) in subparagraph (e), by deleting
"country" where it twice appears and
substituting "place";
(b) by deleting "Convention documents" and
substituting "Convention certifying

documents".

Schedule 3,
Part 1,
item II

By deleting "state" and substituting "place".

Schedule 3,
Part 1,
item III

(a) In paragraph 1(b), by deleting "country" and substituting "place".

(b) In paragraph 3, in the English text, by deleting "are" and substituting "shall be".

(c) In paragraph 4(a)(ii), by deleting "country" and substituting "place".

(d) In paragraph 5 -

(i) in the English text, by deleting "are" and substituting "shall be";

(ii) by adding "shall" before "be treated as".

(e) By deleting paragraph 7(a) and substituting -

"(a) any plant species or other taxa listed in Appendix I shall be annotated in accordance with Article XV of the Convention if the provisions of this Ordinance relevant to Appendix I are to apply to artificially propagated hybrids derived from such species or taxa;".

(f) In paragraph 8, by deleting everything after "containers," and substituting "shall not be considered as specimens of a scheduled species for the purposes of this Ordinance if they have been artificially propagated."

Schedule 3,
Part 1,
item IV

(a) In paragraph 3(b), by deleting "country" and substituting "place".

(b) In the heading immediately before paragraph 4, by deleting "the trade in" and substituting "marking of".

(c) By deleting paragraph 4 and substituting -

"4. A specimen bred in captivity shall be marked in accordance with the provisions on marking in the Resolutions adopted by the Conference of the Parties and the type and number of the mark shall be indicated on any Convention certifying document issued in respect of the specimen."

Schedule 3,
Part 1

By deleting item V.

Schedule 3,
Part 1,
item VI

(a) By deleting paragraphs 2 and 3.

(b) In paragraph 4, by deleting everything after

"fragments" and substituting "shall not be considered as specimens of a scheduled species for the purposes of this Ordinance."

(c) By deleting paragraph 5 and substituting -

"5. In this Schedule -

(a) "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;

(b) "coral fragments" means unconsolidated fragments of broken finger-like dead coral and other coral material between 2 and 30 mm in diameter, which are not identifiable to the

level of genus;

(c) "coral rock" 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 rock" 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" 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;
- (f) "dead coral" means pieces of coral identifiable to the level of species or genus, which are dead when exported, but which may have been alive when collected, and in which the structure of corallites (the skeleton of the individual polyp) is still intact;
- (g) "live coral" means pieces of coral identifiable to the level of species or genus, which are alive and transported in water."

Schedule 3,
Part 2,
paragraph 2

By deleting "should" and substituting "shall".

Schedule 3,
Part 2,
paragraph 3

(a) In subparagraph (a), by deleting "country" where it twice appears and substituting "place".

(b) In subparagraph (b), by deleting "country" where it twice appears and substituting "place".

Schedule 3,
Part 2,
paragraph 4

(a) By deleting "The" and substituting "Subject to paragraph 16 of this Part, the".

(b) By deleting "should" and substituting "shall".

(c) In the English text, by deleting "may" and substituting "shall".

Schedule 3,
Part 2

By deleting paragraphs 5 and 6.

Schedule 3,
Part 2,
paragraph 9

By deleting everything before "either" and substituting -

"9. All pre-Convention certificates shall include".

Schedule 3,
Part 2

By deleting paragraph 10.

Schedule 3,
Part 2,
paragraph 11

(a) By deleting "should" and substituting
"shall".

(b) In the English text, by deleting "may" and
substituting "shall".

Schedule 3,
Part 2

By deleting paragraph 12.

Schedule 3,
Part 2

By deleting paragraph 13 and substituting -

"13. A phytosanitary certificate used as
a certificate 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 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."

Schedule 3,
Part 2,
paragraph 15

By deleting everything after "trade in specimens"
and substituting "of coral rock, where the genus
cannot be readily determined, the scientific name
for the specimens shall be "*Scleractinia*"."

Schedule 3,
Part 2,
paragraph 16

- (a) In subparagraph (a), by deleting "the port of final destination" and substituting "a place of import".
- (b) In subparagraph (c) -
 - (i) by deleting everything before "and the new date" and substituting -
 - (c) "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";
 - (ii) by deleting "export permit or re-export certificate" and substituting "permit or certificate".
- (c) In subparagraph (d), by deleting everything before "before" and substituting -
 - "(d) shipment is to be imported into another place for consumption from the place of import".
- (d) In subparagraph (e) -
 - (i) by deleting "export permit or re-

export certificate" and
substituting "permit or
certificate";

(ii) by deleting "country" and
substituting "place".

Schedule 3,
Part 2

By deleting paragraph 17 and substituting -

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

Schedule 3,
Part 2

By deleting paragraphs 18, 19 and 20.

Schedule 3,
Part 2,
paragraph 21

(a) By deleting everything before "been altered"
and substituting -

"21. Where a permit or certificate has".

(b) By deleting "unless".

(c) By deleting "has been authenticated" and
substituting "shall be authenticated".

Schedule 3,
Part 2

By deleting paragraph 22 and substituting -

"22. Where a security stamp is affixed to a permit or certificate, the security stamp shall be cancelled by the stamp or seal and signature of the relevant authority issuing the document."

Schedule 3,
Part 2

By deleting paragraph 23.

Schedule 3,
Part 2,
paragraph 24

(a) By deleting "that do not" and substituting "shall".

(b) By deleting "shall not be accepted".

Schedule 3,
Part 2,
paragraph 26

(a) By deleting "sample collections be" and substituting "sample collections shall be".

(b) In subparagraph (a), by deleting everything before ", on which" and substituting -

"(a) a sample collection shall be covered by an ATA carnet and be accompanied by a document".

(c) In subparagraph (b) -

(i) by deleting "permit issued under the Convention" and substituting "document";

(ii) by deleting "should" and substituting "shall".

- (d) In subparagraph (c) -
 - (i) by deleting "permit issued under the Convention" and substituting "document";
 - (ii) by deleting "countries" and substituting "places".
- (e) In subparagraph (d), in the Chinese text, by deleting "等".

Schedule 3,
Part 2,
paragraph 28

By deleting everything after "lost," and substituting "the owner of the collection shall inform the relevant authority issuing the document and the relevant authority of the place in which that matter occurred as soon as practicable.".

Schedule 3,
Part 2,
paragraph 29

- (a) By deleting "not be accepted by Parties unless they".
- (b) In subparagraph (c), by deleting "country" and substituting "place".
- (c) In subparagraph (d) -
 - (i) by deleting "should" and substituting "shall";
 - (ii) by deleting "state" and substituting "place".
- (d) In subparagraph (e), by deleting "country"

and substituting "place".

Schedule 3,
Annex to Part
2

- (a) In the cross-heading, by deleting "**should**" and substituting "**shall**".
- (b) In paragraph (g), by deleting "The" and substituting "In the case of an export permit, the".
- (c) In paragraph (l), by deleting "handwritten".
- (d) By deleting everything after paragraph (m) and substituting -

"(n) In the case of a certificate of origin, a statement that the specimens originate in the place that issued the certificate."

Schedule 3,
Part 3

- (a) By deleting "should" and substituting "shall".
- (b) In paragraph (b), by adding ", frozen museum specimens, duplicate herbarium specimens" after "embedded museum specimens".