



Ottawa, October 4, 2013

Memorandum D19-7-1

In Brief

Interpretation of the Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) and the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)

1. This memorandum has been updated to reflect current information and procedures. The provisions of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* and the *Wild Animal and Plant Trade Regulations* outlined in the cancelled Memorandum D19-13-1, *Species Designated as Harmful to Canadian Ecosystems – Exportation of Wild Animals and Plants Subject to Provincial or Territorial Controls*, are incorporated in this memorandum.
2. Former appendices have been replaced by a list of relevant Web site links.
3. Section 13 has been updated to clarify the permit validation process.
4. The information on special imports has been removed, since they no longer exist.
5. The date the Convention came into force in Canada has been corrected in section 30.
6. Section 40 has been updated to clarify the process for when goods are tendered for export but are without the required export permits or certificates.





Ottawa, October 4, 2013

Memorandum D19-7-1

Interpretation of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA)* and the *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*

1. The purpose of the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA)* and the *Wild Animal and Plant Trade Regulations (WAPTR)* is to protect certain species of animals and plants, including those listed in the *Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)*, and to regulate international and interprovincial trade in those species.
2. WAPPRIITA applies to:
 - (a) Foreign species whose capture, possession, and export are prohibited or regulated by laws in their country of origin;
 - (b) Wild animal and plant species on the CITES control list (Schedule I of the WAPTR);
 - (c) Alien species that can endanger Canadian species by way of introduction into Canadian ecosystems (Schedule II of the WAPTR); and
 - (d) Canadian species whose capture, possession, transportation, and exportation are regulated by provincial or territorial laws.
3. The Convention (CITES) is an international agreement between governments; its purpose is to ensure that the international trade of specimens of wild animals and plants does not threaten their survival. As a Party to CITES, Canada has an international obligation to regulate the trade in CITES-listed wild animals and plants. WAPPRIITA is the legislative vehicle through which Canada meets its obligations under the Convention. The Canada Border Services Agency (CBSA) assists Environment Canada with the administration of the Convention by enforcing controls at CBSA ports of entry.

Table of Content

Legislation	2
Guidelines and General Information	3
Definitions of Plants and Animals	3
CITES Appendices	3
Species Designated as Harmful to Canadian Ecosystems	4
Canadian Endangered and Threatened Species Subject to CITES	4
Prohibitions of Imports of Wild Animals and Plants Illegally Exported From Foreign States	4
Importation Requirements for CITES Controlled Goods	4
CITES Import Documents	5
Detention of Imported Goods	5
Exemptions for Travellers	6
United States (U.S.) and Canadian Hunters in Canada	6
Eagle Feathers for Aboriginal Religious or Ceremonial Purposes	7
Diplomats	7
Pre-convention Goods	7
Labelling	7
Forfeiture	7
Exportation Requirements for CITES Controlled Goods	7
Reporting and Examination (Exportations)	7
CITES Export Documents	8
Detention of Goods for Exportation	8
Export Permits for Artificially Propagated Plants	8
WAPTR and Provincial/Territorial Export Requirements	9
Detention of Live Animals Including Personal Pets	9
Animal Welfare	9
Plant Welfare	9
Identification of CITES Specimens	9
Alteration of Detained Goods (Removal of Protected Parts)	10
Disposal	10
Penalty Provisions	10
Contact Information	10
Appendix – List of Web Links	11

Legislation

Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act (WAPPRIITA) and Wild Animal and Plant Trade Regulations (WAPTR)

WAPPRIITA and WAPTR provide the legislative and regulatory authority for CITES controls in Canada. The following sections of WAPPRIITA and WAPTR are applicable to border enforcement by the CBSA:

Prohibitions Under WAPPRIITA

Subsection 6. (1): No person shall import into Canada any animal or plant that was taken, or any animal or plant, or any part or derivative of an animal or plant, that was possessed, distributed or transported in contravention of any law of any foreign state.

Subsection 6. (2): Subject to the regulations, no person shall, except under and in accordance with a permit issued pursuant to subsection 10(1), import into Canada or export from Canada any animal or plant, or any part or derivative of an animal or plant.

Note: WAPPRIITA and the related Regulations establish Environment Canada's own permit system for animals and plants protected by CITES. The Regulations specify the species of animals and plants protected by the Act and any exemptions to the permit requirements.

Paragraph 8 (a):

8. Subject to the regulations, no person shall knowingly possess an animal or plant, or any part or derivative of an animal or plant,

(a) that has been imported or transported in contravention of this Act.

Issuance of Permits Under WAPPRIITA

Subsection 10. (1): The Minister may, on application and on such terms and conditions as the Minister thinks fit, issue a permit authorizing the importation, exportation or interprovincial transportation of an animal or plant, or any part or derivative of an animal or plant.

Detention of Controlled Goods Under WAPPRIITA

Section 13: Any thing that has been imported into or is about to be exported from Canada, or has been transported, or is about to be transported, from a province to another province, may be detained by an officer until the officer is satisfied that the thing has been dealt with in accordance with this Act and the regulations.

Offence and Punishment Under WAPPRIITA¹

Subsections 22. (1) and 22. (3):

22. (1) Every person who contravenes a provision of this Act or the regulations

(a) is guilty of an offence punishable on summary conviction and is liable

(i) in the case of a person that is a corporation, to a fine not exceeding fifty thousand dollars, and

(ii) in the case of a person other than a person referred to in subparagraph (i), to a fine not exceeding twenty-five thousand dollars or to imprisonment for a term not exceeding six months, or to both; or

(b) is guilty of an indictable offence and is liable

(i) in the case of a person that is a corporation, to a fine not exceeding three hundred thousand dollars, and

(ii) in the case of a person other than a person referred to in subparagraph (i), to a fine not exceeding one hundred and fifty thousand dollars or to imprisonment for a term not exceeding five years, or to both.

22. (3) Notwithstanding subsection (1), any fine imposed on a conviction for an offence involving more than one animal or plant, or part or derivative of an animal or plant, may be computed in respect of each animal, plant, part or derivative as though it had been the subject of a separate complaint or information and the fine imposed shall then be the sum payable in the aggregate as a result of that computation.

Exportation of Plants and Animals Subject to Provincial Controls Under WAPTR

Subsection 8. (1): This section applies only in respect of animals and plants that are not listed as "fauna" or "flora" in any appendix to the Convention.

Subsection 8. (2): A person who exports from Canada an animal or plant to which this section applies, or any part or derivative of any such animal or plant, is exempted from holding a permit issued under subsection 10. (1) of the Act where the thing being exported is transported out of a province that does not prohibit such transportation and that

(a) allows such transportation only if the person has obtained a permit or certificate issued by a competent authority in the province that authorizes such transportation; or

¹ Under Canada's *Environmental Enforcement Act* (Bill C-16), significant increases in fines will come into force in 2013.

(b) does not require provincial authorization for such transportation.

Customs Act

WAPPRIITA is enforced by the CBSA on behalf of Environment Canada under the provisions of the *Customs Act* as follows:

Obligation to Provide Accurate Information

Subsection 7.1: Any information provided to an officer in the administration or enforcement of this Act, the *Customs Tariff* or the *Special Import Measures Act* or under any other Act of Parliament that prohibits, controls, or regulates the importation or exportation of goods, shall be true, accurate and complete.

Note: Border services officers can reject any transaction and request more specific information, such as the scientific names of any plant and animal species, if the information provided at the time of import or export is not true, accurate and complete (i.e., if only common names are provided).

Examination of Goods

Subsection 99. (1): An officer may:

(a) at any time up to the time of release, examine any goods that have been imported and open or cause to be opened any package or container of imported goods and take samples of imported goods in reasonable amounts;

(c) at any time up to the time of exportation, examine any goods that have been reported under section 95 and open or cause to be opened any package or container of such goods and take samples of such goods in reasonable amounts;

(e) where the officer suspects on reasonable grounds that this Act or the Regulations or any other Act of Parliament administered or enforced by him or any regulations thereunder have been or might be contravened in respect of any goods, examine the goods and open or cause to be opened any package or container thereof;

Note: Border services officers can examine any goods, open any package, or container and search any conveyance where they have reasonable grounds to suspect that any acts or regulations administered or enforced by them have been or might be contravened.

Detention of Controlled Goods

Section 101: Goods that have been imported or are about to be exported may be detained by an officer until he is satisfied that the goods have been dealt with in accordance with this Act, and any other Act of Parliament that prohibits, controls or regulates the importation or exportation of goods, and any regulations made thereunder.

GUIDELINES AND GENERAL INFORMATION

Definitions of Plants and Animals

1. (a) For the purposes of CITES:

(i) “animal” means any specimen, whether living or dead, of any species of animal that is listed in one of the CITES appendices, and includes any egg, sperm, tissue culture or embryo of any such animal;

(ii) “plant” means any specimen, whether living or dead, of any species of plant that is listed in an appendix to CITES, and includes any seed, spore, pollen or tissue culture of any such plant.

(b) For the purposes of species imported in contravention of the laws of foreign states under WAPPRIITA:

(i) “animal” means any specimen, whether living or dead, of any species of animal, and includes any egg, sperm, tissue culture or embryo of any such animal;

(ii) “plant” means any specimen, whether living or dead, of any species of plant, and includes any seed, spore, pollen or tissue culture of any such plant.

CITES Appendices

2. Animals and plants are placed into one of three categories; their placement is made on the basis of the degree to which the species is considered endangered. These categories are shown as Appendices to the Convention and are listed according to the following criteria:

(a) Appendix I – species threatened with extinction worldwide that are or may be affected by trade;

(b) Appendix II – species not yet threatened with extinction but which could become so if international trade continues without restriction;

(c) Appendix III – Species included in the Appendix at the request of a Party that regulates trade in those species and has requested assistance of all other CITES Parties in controlling the trade.

Note: The list of the species subject to CITES controls and the Appendices under which they are listed in the Convention are available on the Environment Canada Web site. The legal version of this list is available in Schedule I of WAPTR, which is available on the Department of Justice Web site. (See the Appendix to this memorandum.)

Species Designated as Harmful to Canadian Ecosystems

3. Schedule II of the WAPTR contains a list of other species requiring an import permit. WAPPRIITA allows Canada to protect its ecosystems by designating species that are potentially harmful (refer to the Appendix of this memorandum).

Canadian Endangered and Threatened Species Subject to CITES

4. Schedule III of WAPTR contains a list of the CITES species recognized as endangered or threatened in Canada. Specimens or products from these species are excluded from the permit exemptions for personal and household effects and certain tourist souvenirs (refer to the Appendix of this memorandum).

Prohibitions of Imports of Wild Animals and Plants Illegally Exported From Foreign States

5. Under subsection 6. (1) of WAPPRIITA, the importation into Canada of any animal or plant that was taken, or any animal or plant, or any part or derivative of an animal or plant, that was possessed, distributed or transported in contravention of any law of any foreign state is prohibited. Importers are expected to be aware of and abide by foreign laws concerning exportation of wild animals and plants from foreign states. Timber, flooring, pulp and paper, and other wood products obtained from sources associated with illegal logging are examples of commodities that may be subject to WAPPRIITA import prohibitions. Border services officers may detain shipments suspected to be in violation of foreign laws and refer them to Environment Canada.

Importation Requirements for CITES-controlled Goods

6. Subsection 6. (2) of WAPPRIITA prohibits the importation into Canada of any animal or plant, or part or derivative of an animal or plant except in accordance with a permit issued pursuant to subsection 10. (1). The Regulations (WAPTR) specify the species of animals or plants protected by CITES and any exemptions to the permit requirements. These exemptions are outlined later in this memorandum. The following are general requirements for the importation of CITES controlled goods:

(a) Specimens of animals or plants that are listed in **Appendix I** to the Convention, and their parts and derivatives, **to be imported into Canada** must be accompanied by a **Canadian CITES import permit** issued by the Canadian CITES Management Authority **and a CITES export or re-export permit** issued by the exporting country;

(b) Specimens of animals or plants that are listed in **Appendix II** to the Convention, and their parts and

derivatives, **to be imported into Canada** must be accompanied by a **CITES export or re-export permit** issued by the exporting country; and

(c) Specimens of animals or plants that are listed in **Appendix III** to the Convention, and their parts and derivatives, **to be imported into Canada** must be accompanied by a **CITES export or re-export permit** issued by the exporting country if the specimen is from a listing nation, or a CITES export or re-export permit or a **CITES certificate of origin** if the specimen is from other than a listing nation.

7. Documentation submitted to the CBSA must be true, accurate and complete. For all CITES goods, it is important to ensure goods are accurately reported and the exact species are identified. See Memorandum D1-4-1, *CBSA Invoice Requirements* for information on how to describe commodities, including plants and animals and their parts and derivatives, on the Canada customs invoice or commercial invoice.

8. All travellers entering Canada must report CITES goods to the CBSA, regardless of whether the goods are exempted or not. For those travellers with CITES goods arriving by air, the question involving food, plant, animal and related products on Form E311, *CBSA Declaration Card*, must be completed.

9. All documents presented for the release of commercial goods will be closely scrutinized for CITES purposes. Where documents indicate that goods are subject to CITES controls, the proper permits must be presented before the goods are released. Documents with incomplete or vague descriptions involving goods that are, or could be, made from plants or animals may be rejected pending clarification. If necessary, the goods will be examined. Section 99 of the *Customs Act* grants the authority for the examination. Importers and brokers should also be aware that incomplete or missing documentation may result in delays, refusal or an Administrative Monetary Penalty (see paragraph 57).

10. Importers should be aware that goods subject to CITES controls may also be subject to Canadian Food Inspection Agency (CFIA) import requirements. All CFIA import requirements must be met before the release of goods is authorized. Conversely, goods with CFIA requirements may also be subject to CITES controls.

11. Although many shipments of food, plants, and animals with CFIA requirements, as indicated in the CFIA's Automated Import Reference System (AIRS), are eligible for Electronic Data Interchange (EDI) release, goods subject to CITES controls are not eligible for EDI release or Pre-Arrival Review System (PARS) paper release.

12. The issuance of a CITES permit does not relieve the owner or the importer of the obligation to comply with any other relevant federal or provincial, territorial, or municipal

legislation or requirements. See Memorandum D19-1-1, *Food, Plants, Animals and Related Products* for further information.

CITES Import Documents

13. (a) When imported goods are determined to be subject to CITES controls, and CITES permits or certificates are presented for the goods, these permits or certificates must meet the following criteria:

- (i) the descriptions of goods presented for inspection and provided on the customs documents match the descriptions on the permit;
- (ii) the quantities of the goods presented for inspection and provided on the customs documents do not exceed the quantities specified on the permit;
- (iii) the permit is valid and not expired;
- (iv) the permit is an original document, i.e., the permit is not a photocopy; and

Note: All permits must be original documents, except for multiple shipment permits from the United States for which the importer retains the original and completes specified fields on the photocopy. All permits (originals and multiple shipment photocopies) are valid only with an original stamp and signature from the issuing office and/or from a foreign customs agency.

(v) the document is signed by the appropriate government authority.

(b) The border services officer will validate the permit or certificate by:

- (i) stamping the permit/certificate in an appropriate blank space.
- (ii) For commercial entries, noting the transaction number, and for travellers, noting the accounting document number in an appropriate blank space (if not already provided).
- (iii) If a Canadian CITES Import Permit is presented (for CITES Appendix I species), complete all fields in Box 17 – “For Customs Use Only” (including stamping and signing).

Note: The format of the CITES export permit, re-export permit, or certificate from the governments of the exporting states varies to such a degree that no representative sample of these documents is available. In general, the export documents bear the CITES logo or are identified as Convention documents.

Detention of Imported Goods

14. When it is determined that imported goods are subject to CITES controls but are without the required permits or certificates, they are detained under the provisions of section 101 of the *Customs Act*. Environment Canada will be contacted and advised that there are goods waiting for their inspection/identification.

15. Detained goods imported by a traveller are documented on Form BSF241 (formerly K24), *Non-Monetary General Receipt*. The traveller is given the original copy of the receipt. For further information on Form BSF241, see Memorandum D2-6-7, *Goods, Currency and Monetary Instruments Detained by the Canada Border Services Agency or Abandoned to the Crown – Use of Form BSF241, Non-Monetary General Receipt*. Travellers will receive an Environment Canada Inspection Report confirming the requirements that they must meet to import their goods into Canada. Travellers will be advised that they have 70 days in which to obtain release of the goods if detained under the *Customs Act* and 90 days to obtain release of the goods if detained under WAPPRIITA; otherwise the goods, if held by the CBSA, will be forfeited under the *Customs Act* and transferred into the custody of Environment Canada.

16. If duties are owing on the detained goods, a note to this effect will be made on Form BSF241 (formerly K24) that is attached to or placed with the goods so that when the required permits are obtained, these duties may be collected and the goods released. Similarly, in cases where the duties have already been paid before the goods were detained, a copy of the accounting document will be placed with the goods so that the duties may be refunded, in the event that the goods are forfeited and subsequently destroyed or exported. If goods are abandoned to the Crown (as opposed to being detained), duties may be refunded or processed for a refund at the time of their abandonment.

Note: Duties are not refunded on detained goods that are forfeited until it is confirmed by Environment Canada that it will not release the goods to the person.

17. In the case of commercial goods that are detained for CITES purposes, Form K26, *Notice of Detention* is issued and the accounting package presented for release of the goods is rejected. The Form K26 in this instance will be referenced with the cargo control document number.

18. If the goods detained for CITES purposes make up only part of a shipment, they may be separated from the shipment through a *Cargo Control Abstract* (Form A10) process. An abstract must be prepared for each portion of the shipment requiring separate acquittal. The entire quantity shown on the carrier’s original cargo control document must be accounted for on the *Cargo Control Abstract*.

Exemptions for Travellers

19. In accordance with the sections in WAPTR concerning personal and household effects, border services officers are allowed to release, without a CITES permit, personal effects, including certain tourist souvenirs and household effects as long as they are declared to the CBSA and meet all applicable CFIA requirements; all of these goods must be for personal use only. The personal and household effects exemptions **do not apply to**: items imported or exported for commercial purposes; live animals; other species requiring an import permit (Schedule II of WAPTR); CITES species that are listed as endangered or threatened in Canada (Schedule III of WAPTR); and tourist souvenirs consisting of live animals, live plants, or items made from any species listed in Appendix I of the CITES Control List (species threatened with extinction).

Personal Effects

20. With the **exception of live animals**, a CITES permit will not be required for goods listed on the CITES Control List as Appendix I, II or III, that at the time of import or export, are part of an individual's clothing or accessories or are contained in an individual's personal baggage, and that the person has owned and possessed in their ordinary country of residence. An individual must not sell or dispose of the CITES-controlled item within 90 days after the date on which the exemption is claimed.

21. Reference to products made from plants and animals that do not require CITES permits, when imported as personal effects, as well as exclusions from this exemption can be found on Environment Canada's Web site. (See the Appendix to this memorandum.)

Exemption Examples for Personal Effects

22. A Canadian resident returning home after travelling abroad, in possession of an elephant ivory bracelet (Appendix I), owned in Canada; a person from an African country visiting Canada with a traditional leopard fur hat (Appendix I); a U.S. resident crossing the border with a pair of python skin boots (Appendix II); a European citizen visiting Canada wearing a Lynx fur coat (Appendix II).

Tourist Souvenirs

23. A CITES export permit (from the country visited) is not required for residents of Canada returning from a trip outside the country with souvenirs of CITES Appendix II or III species, if imported in their accompanying baggage or as part of their clothing or accessories. However, tourists are still advised to check with the CITES authority of the exporting country, which may have its own requirements with respect to what wild animals and plants may or may not be taken out of the country by tourists.

Note: Live animals, live plants, Appendix I species and other species requiring an import permit (Schedule II of

WAPTR) **still require all appropriate CITES or import permits.**

Exemption Examples for Tourist Souvenirs

24. Reference to products made from **Appendix II and Appendix III** species that do not require CITES permits, when purchased as tourist souvenirs, as well as exclusions from this exemption can be found on Environment Canada's Web site. (See the Appendix to this memorandum.)

25. The following is a non-exhaustive list of products made from **Appendix I** species that must never be exempted as tourist souvenirs:

- (a) shahtoosh shawls;
- (b) whale bone carvings and teeth (of Appendix I species);
- (c) cat skins, teeth, and claws (of Appendix I species);
- (d) elephant ivory carvings, jewellery, chopsticks, etc., and elephant leather products (from populations other than Botswana, Namibia, South Africa and Zimbabwe);
- (e) rhinoceros horn carvings;
- (f) primate (monkeys and apes) products such as skins, skulls, and hands;
- (g) sea turtle shells and tortoise shell products including oils, jewellery, and ornamental items; sea turtle meat, soup, and leather products such as purses, wallets, and belts; and
- (h) traditional medicines containing tiger, rhino, and other Appendix I species parts or derivatives.

Household Effects

26. A CITES permit is not required for the following goods, provided that the goods are not intended for commercial purposes. An individual may not sell or dispose of the goods within 90 days after the date on which the exemption is claimed.

- (a) **Moving to or from Canada:** Goods listed on the CITES Control List (except live animals) that an individual has owned and possessed in their ordinary country of residence and that form part of their household belongings, which are being shipped to or from Canada to their new residence.
- (b) **Inheritance:** Goods listed on the CITES Control List (except live animals) that form part of an inheritance from an estate that are being imported into, or exported from Canada.

United States (U.S.) and Canadian Hunters in Canada

27. Individuals who are residents of Canada and the U.S. and are entering or leaving Canada may claim exemptions for CITES permit requirements **for black bear and**

Sandhill crane hunting trophies if the following conditions are met:

- (a) for black bears the trophy consists of the hide or hide with paws and claws attached and/or skull and meat; for Sandhill cranes the trophy consists of the carcass and meat (all organs are excluded for both species);
- (b) the trophy is part of the individual's accompanying baggage; and
- (c) it was acquired and possessed through legal hunting in Canada or the U.S.

Note: All other permits, certificates, or licences still apply and must be presented to the CBSA at the border, as required.

Eagle Feathers for Aboriginal Religious or Ceremonial Purposes

28. Travellers who transport eagle parts and feathers as personal accompanied baggage for religious or ceremonial purposes are exempted from CITES permit requirements for importation into Canada. Presentation of valid identification verifying their status as a recognized "Aboriginal" or "Status Indian" or as being part of the "Aboriginal Community" is required at the time of importation. This exemption is granted as part of an international agreement between the U.S. and Canada specifically for status aboriginals transporting eagle parts and feathers for religious and ceremonial purposes between the two nations.

Diplomats

29. All importations of CITES controlled commodities (including live animals) are subject to the requirements outlined in this memorandum regardless of any diplomatic immunity or privilege extended to the person importing the goods.

Pre-convention Goods

30. This refers to endangered species acquired before the Convention entered into force in Canada on July 3, 1975, or any goods manufactured from an endangered species before that date (e.g., big game trophies that predate CITES). Canada does not recognize the Pre-convention goods exemption; all CITES requirements must be met. Border services officers will refer such matters to Environment Canada. The goods will be detained in the normal manner.

Labelling

31. The labelling provisions allow for an Environment Canada enforcement officer to prosecute violations under WAPPRIITA based on the information marked on a container or package, a label, or accompanying document with respect to the identity of the contents of a container or package that is being imported into, or exported from

Canada, unless there is evidence that raises a reasonable doubt to the contrary. The labelling provisions cover all animals and plants, and parts or derivatives thereof, to which WAPPRIITA applies. Therefore, unless exempt under the Regulations, importers and exporters will need to ensure that CITES permits are presented to the CBSA at the time of import into, or export from Canada when labels or other documents indicate that CITES species are included in a shipment or product.

Forfeiture

32. Forfeiture to the Crown automatically occurs 70 days after the date of notification of detention by the CBSA or 90 days after the date of the notification of detention if Environment Canada takes possession of the goods.

Exportation Requirements for CITES Controlled Goods

33. As noted in the section on Legislation, subsection 6. (2) of WAPPRIITA prohibits the export of CITES controlled species without the proper permits.

34. Similar to importation, documentation submitted to the CBSA must be true, accurate and complete and all CITES documents must be presented to the CBSA. A CITES export or re-export permit issued by Canada is required for the export of Appendix I, II and III species.

Reporting and Examination (Exportations)

35. All goods subject to CITES controls must be reported to the CBSA and the proper permits or certificates presented before the goods can be lawfully exported from Canada. When reviewing documents relating to shipments for export, border services officers will examine documents for CITES purposes. When documents indicate that goods are subject to CITES controls, the proper permits must be presented before the goods are allowed to be exported. Two original copies of the Canadian CITES export permit must be presented to the border services officer. For appendices I, II and III species, only a CITES export permit or re-export certificate issued by Environment Canada, Fisheries and Oceans Canada, or a provincial/territorial authority will be accepted.

CITES Goods Exported by Mail

36. Exporters must report all CITES goods being exported by mail to the CBSA. Border services officers must inspect the goods and validate the CITES permit prior to the mailing of the goods. As there are no border services officers at Canada Post offices to validate permits, exporters cannot directly mail CITES goods, even if the goods have been inspected by the CBSA at a different office. An option is to hire the services of a customs service provider whose responsibility it is to report the goods to the CBSA for inspection. The broker will then proceed with mailing the CITES goods on behalf of the exporter.

Note: American Ginseng with valid CITES permit stickers may be mailed directly by the exporter.

CITES Goods Exported Using a Courier Company

37. All CITES goods being exported by courier must be reported to the CBSA. Border services officers must inspect the shipment and validate the CITES permit prior to export. Exporters should advise the courier company of the presence of CITES goods in the shipment and verify that the courier company will submit the export declaration and the CITES permit to the CBSA for validation.

38. If there are any doubts or suspicions that a shipment contains goods that are subject to CITES control, border services officers may examine the shipment under the authority of paragraphs 99.(1) (c) and (e) of the *Customs Act*.

CITES Export Documents

39. Where goods for export are determined to be subject to CITES controls and CITES permits or certificates are presented, the documents will be processed in the following manner:

(a) Border services officers will check the description and quantity on the CITES permit against that described on export documents and the contents of the shipment. The quantities of the goods presented for inspection and provided on the customs documents cannot exceed the quantities specified on the permit. The CITES permits must be originals.

(b) Border services officers will ensure the validity of the CITES permit by verifying the effective date and expiry date.

(c) To validate the permits a border services officer must,

(i) complete all fields of Box 17 For Customs Use Only as follows: the total number of shipping containers, the bill of lading or air waybill number (when available), the name of the port of export, the date of export, and the total number or quantity of each type of specimen or product authorized in blocks A, B or C that is actually exported. Note that the port and date of export are identified within the CBSA stamp;

(ii) stamp and sign the permit;

(iii) Copy 2 of the permit must be retained and forwarded to Environment Canada (see the Appendix of this memorandum for location of CITES permit office). The other original must be left with the exporter for presentation to customs officials at the country of destination.

Note: The CITES permit is valid only if endorsed by the CBSA. If the permit is not properly validated by the CBSA, officials in the country of destination may detain, refuse and/or seize a shipment containing CITES goods.

Detention of Goods for Exportation

40. When goods are tendered for export but are without the required export permits or certificates, they may be detained under the authority of section 101 of the *Customs Act* using Form K26, *Notice of Detention*. In the case of shipments by commercial carrier, a “detention sticker” is to be affixed to the shipment. Border services officers will contact the appropriate Environment Canada office because there is a potential infraction for trying to export without a CITES permit (WAPPRIITA 6.(2)). Exporters will be advised to contact the appropriate Environment Canada office (refer to the Appendix of this memorandum).

Export Permits for Artificially Propagated Plants

41. The headquarters office of Environment Canada, Canadian Wildlife Service, is responsible for the issuance of all CITES export permits for shipments of **artificially** propagated plants being exported to any country. Either a CITES export permit with inventory or a phytosanitary certificate with inventory (stamped with CITES) is required for the export of artificially propagated plants. The procedures are as follows:

Multiple-use CITES Export Permits for Artificially Propagated Plants

(a) The permits will be issued in whatever numbers of originals are needed in order to export all shipments from a nursery within six months. Originals are to be presented to foreign customs, while photocopies of the original are left with the CBSA. Both the original and the photocopy are to be endorsed by the CBSA.

Multiple-use CITES Export Permits for Cultivated American Ginseng

(b) With respect to American ginseng grown in Canada, the same multiple-use CITES export permit procedures are used.

(c) Ginseng stickers are used for small quantities (4.5 kg or less) that are exported for personal use. The sticker has a reference to the CITES permit issued and its expiry date. The remaining fields of the sticker are filled out by the user – Block (e.g. A, B, C, referring to the corresponding Block on the CITES permit), Specimen (e.g. root, powder), Quantity (which must not exceed 4.5 kg), Destination Country and Shipment Date (which must not be later than the permit expiry date).

Phytosanitary Certificate Used as CITES Certification of Artificial Propagation

(d) In some cases, a Canadian phytosanitary certificate used in conjunction with a CITES inventory attachment will be used as a CITES certificate of artificial propagation.

Regular CITES Export and Re-export Permits

(e) This form will be used to export artificially propagated plants in cases where:

- (i) a phytosanitary certificate is not required;
- (ii) plants are from Appendix I species and are being exported by a non-participating nursery;
- (iii) there is a single shipment.

(f) These headquarters permits will all be authenticated by the Canadian CITES management authority stamp bearing the signature of the officer that issued the permit. A copy of the permit is to be returned to the Canadian CITES Management Authority.

WAPTR and Provincial/Territorial Export Requirements

42. Under the provisions of Section 8 of WAPTR, the exportation from Canada of animal and plant species that are subject to provincial and territorial export requirements are prohibited, except when accompanied by an export permit or certificate issued by an appropriate provincial or territorial authority of the province or territory in which the species was taken. If in doubt about provincial or territorial requirements for the exportation of plants and animals and their parts and derivatives, contact provincial/territorial authorities or the appropriate Environment Canada office (refer to the Appendix of this memorandum).

Note: This section applies to species that are not controlled under CITES. If the species are CITES-listed, they are subject to the WAPPRIITA export requirements outlined in paragraphs 33 to 41 above.

Detention of Live Animals Including Personal Pets

43. Personal pets (on the CITES Control List) travelling with their owners require a CITES permit to cross the border. The current permit requirement for Canadians travelling with species of pets protected by CITES is a Certificate of Ownership (aka Pet Passport). Additional pages on a Cross-Border Movement Record Sheet may be required along with the Certificate of Ownership. This enables tracking of the movement of pets during the validity period of the Certificate (valid for 3 years). Upon exit from a country, the export side of the record sheet will be stamped. Upon entry into a country, the import side of the record sheet will be stamped.

Note: The Certificate of Ownership (Pet Passport) is not implemented and/or recognized by all CITES Parties. In these cases, normal CITES permit requirements as outlined above apply.

44. Shipments of live animals that have permits but are difficult to identify or are not accompanied by the appropriate permits or certificates may be detained by the CBSA, and referred to the appropriate Environment Canada office for further inspection.

45. In certain instances (i.e., welfare of animals is in jeopardy), some animals may have to be released to the importer under the control of a *Temporary Admission Permit*, (Form E29B), for a period not exceeding 30 days (see Memorandum D8-1-4, *Form E29B, Temporary Admission Permit* for further information on temporary importations).

46. In the case of an export shipment, the exporter should be requested to terminate the export movement and to return the animals to more appropriate quarters pending the acquisition of the proper permits.

Animal Welfare

47. Importers must ensure that the proper welfare of any live animals is maintained. This applies to importation of animals for personal use and for commercial purposes. Importers must ensure live animals are transported in accordance with both the *Health of Animals Act* and Regulations and the CITES guidelines for transport and preparation of shipment of live animals (refer to the Annex to this memorandum).

48. In the event that a shipment arrives containing sick, injured, dead or dying CITES animals, or the animals appear to be suffering from abuse or neglect and/or a border services suspects inhumane transport of imported live CITES-controlled animals, both the nearest CFIA veterinarian and Environment Canada will be notified immediately by the CBSA. Follow-up action may be taken by the CFIA and/or Environment Canada.

Plant Welfare

49. Importers must ensure that the proper welfare of live plants is maintained. In this regard, exotic plants such as cacti and orchids are extremely sensitive to cold weather. Tropical plants tend to be sensitive to direct sunlight. All plants are sensitive to any change in their natural environment and their welfare is in jeopardy if their environment is not properly maintained.

Identification of CITES Specimens

50. Environment Canada will assist border services officers with the identification of CITES specimens, if requested.

51. An Inspection Report for CITES specimens examined will be completed by the Environment Canada official. The importer will receive Copy 1 of the report.

Alteration of Detained Goods (Removal of Protected Parts)

52. The removal of a protected part may be considered in the following circumstances:

- (a) the part is not essential to the use or integrity of the item;
- (b) the owner requests the removal and the item is not required as evidence in a prosecution;
- (c) the item is valuable and the owner can replace the removed part with an alternative; and
- (d) the owner agrees to bear the cost of the removal.

53. In general, parts coming from protected species will not be removed from detained/seized items if:

- (a) doing so greatly reduces the value or alters the nature of the item;
- (b) the item has little commercial value;
- (c) a specialist is required to remove the part; and
- (d) the item is required as evidence in a prosecution.

54. At the request of the owner, an Environment Canada officer may authorize removal of a protected part, at the owner's expense. The CBSA border services officer or Environment Canada officer who detained the goods will return the item without the protected part to the owner. The removal of the protected part does not release the individual from further legal action by Environment Canada.

Disposal

55. When goods have been detained by the CBSA pursuant to section 101 of the *Customs Act* and these goods remain unclaimed after 70 days (exclusive of goods detained for export purposes), or when goods have been abandoned to the Crown, they will be transferred into the custody of Environment Canada as goods unsuitable for sale. Under no circumstances are goods detained for CITES purposes disposed of by public auction. Under the authority of WAPPRIITA, goods subject to CITES that are seized for a contravention of the *Customs Act* will also to be transferred into the custody of Environment Canada as goods unsuitable for sale.

Penalty Provisions

56. The penalty provisions of WAPPRIITA also cover subsequent offences, continuing offences, additional fines, and orders of court. Environment Canada officers are responsible for the enforcement of penalty procedures under WAPPRIITA. Border services officers have not been designated under WAPPRIITA and therefore have **no authority to seize goods on behalf of Environment Canada**. Nevertheless, seizures for infractions, such as smuggling and misdescription, under the *Customs Act* can apply to CITES controlled goods.

57. The Administrative Monetary Penalty System (AMPS) authorizes the CBSA to impose monetary penalties for non-compliance with the *Customs Act*, the *Customs Tariff* and the Regulations under these Acts, as well as contraventions of the terms and conditions of licensing agreements and undertakings. If prescribed documentation has not been presented to the CBSA with the release request, a penalty may be issued by the CBSA for not providing required permits or information before the goods are released. Please refer to the Memorandum D22-1-1, *Administrative Monetary Penalty System* for details.

Contact Information

58. Links for addresses and telephone numbers for the regional and headquarters offices of Environment Canada are provided in the Appendix of this memorandum.

59. Questions concerning the CBSA's administration of these procedures should be directed to:

Food, Plant and Animal Program
Border Programs Directorate
Programs Branch
Ottawa ON K1A 0L8

Facsimile: 613-946-1520

Email: FPA-AVA@cbsa-asfc.gc.ca

APPENDIX**LIST OF WEB LINKS****CITES Control List (and annotations)**

Schedule I of the *Wild Animal and Plant Trade Regulations*

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-263/page-7.html#docCont>

CITES Control List: Environment Canada

<http://ec.gc.ca/cites/listedecontrole/index.cfm?lang=e&fuseaction=cList.swOptions>

WAPPRIITA Exemptions

<http://ec.gc.ca/cites/default.asp?lang=En&n=DC8E2E3F-1>

Other Species Requiring an Import Permit

Schedule II of the *Wild Animal and Plant Trade Regulations*

<http://laws.justice.gc.ca/eng/SOR-96-263/page-8.html#anchors:3>

CITES Species Recognized as Endangered or Threatened in Canada

Schedule III of the *Wild Animal and Plant Trade Regulations*

<http://laws-lois.justice.gc.ca/eng/regulations/SOR-96-263/page-9.html#docCont>

Environment Canada National and Regional Offices

The most up-to-date information on Environment Canada offices, as well as provincial and territorial CITES management authorities, can be found at the following link:

<http://www.ec.gc.ca/cites/default.asp?lang=En&n=2693A2F2-1>

REFERENCES

<p>ISSUING OFFICE –</p> <p>Food, Plant and Animal Program Border Programs Directorate Programs Branch</p>	<p>HEADQUARTERS FILE –</p>
<p>LEGISLATIVE REFERENCES –</p> <p><i>Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act</i></p> <p><i>Wild Animal and Plant Trade Regulations</i></p> <p><i>Customs Act</i></p> <p><i>Customs Tariff</i></p> <p><i>Health of Animals Act</i></p>	<p>OTHER REFERENCES –</p> <p><i>Convention on International Trade in Endangered Species of Wild Fauna and Flora</i></p> <p>D1-4-1, D2-6-7, D8-1-4, D19-1-1, D22-1-1</p>
<p>SUPERSEDED MEMORANDA “D” –</p> <p>D19-7-1, January 10, 2013</p>	

Services provided by the Canada Border Services Agency are available in both official languages.

