

Conf. 9.7

(Rev. CoP15)*

Transit and transhipment

RECALLING Resolutions Conf. 4.10, Conf. 7.4 and Conf. 10.5, adopted by the Conference of the Parties at its fourth, seventh and 10th meetings (Gaborone, 1983; Lausanne, 1989; Harare, 1997), and Resolution Conf. 9.5 (Rev. CoP16)¹, adopted at its ninth meeting (Fort Lauderdale, 1994) and revised at its 13th, 14th, 15th and 16th meetings (Bangkok, 2004; The Hague, 2007; Doha, 2010; Bangkok, 2013);

RECOGNIZING that Article VII, paragraph 1, of the Convention allows the transit or transhipment of specimens through or in the territory of a Party without the need for application of Articles III, IV and V;

RECOGNIZING also that there is potential for the abuse of this provision by the keeping of specimens in the territory of a Party while seeking a buyer in another country;

RECOGNIZING the need for Parties to take measures to fight illegal trade;

RECOGNIZING also, however, the need for Parties to facilitate the frequent cross-border movement of sample collections covered by ATA carnets;

NOTING that the verification of the existence of valid export permits or re-export certificates for control of specimens in transit or being transhipped is an important way to discover illegal trade in specimens of species included in the CITES Appendices;

AWARE that shipments not covered by the exemptions specified in Article VII of the Convention and travelling on an ATA carnet still require appropriate CITES documentation;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

1. RECOMMENDS that:

- a) for the purpose of Article VII, paragraph 1, of the Convention, the phrase 'transit or transhipment of specimens' be interpreted to refer only to:
 - i) specimens that remain in Customs control and are in the process of shipment to a named consignee when any interruption in the movement arises only from the arrangements necessitated by this form of traffic; and
 - ii) cross-border movements of sample collections of specimens that comply with the provisions of section XVI of Resolution Conf. 12.3 (Rev. CoP18)² and are accompanied by an ATA carnet;
- b) Parties inspect, to the extent possible under their national legislation, specimens in transit or being transhipped, to verify the presence of a valid CITES permit or certificate as required under the Convention or to obtain satisfactory proof of its existence;
- c) to be considered as valid, any such permit or certificate must clearly show the ultimate destination of the shipment, which, in the case of a sample collection, must be the country of issuance;
- d) any change of ultimate destination be investigated by the country of transit or transhipment to verify that the transaction complies with the purposes of the Convention;

* Amended at the 13th and 15th meetings of the Conference of the Parties, and corrected by the Secretariat following the 16th meeting.

¹ Corrected by the Secretariat following the 16th meeting of the Conference of the Parties: originally referred to Resolution Conf. 9.5 (Rev. CoP15).

² Corrected by the Secretariat following the 16th, 17th and 18th meetings of the Conference of the Parties: originally referred to Resolution Conf. 12.3 (Rev. CoP16).

- e) Parties adopt legislation allowing them to seize and confiscate specimens in transit or being transhipped without a valid permit or certificate or proof of the existence thereof;
 - f) when an illegal shipment in transit or being transhipped is discovered by a Party that can not seize it, the Party provide to the country of final destination and to the Secretariat all relevant information on the shipment as soon as possible and, if applicable, to other countries through which the shipment will pass in transit; and
 - g) the above recommendations be applied also to specimens in transit or being transhipped that are destined for or coming from States not party to the Convention, including specimens in transit between such States;
2. CONFIRMS that each Party must apply the Convention over the whole of its territory, as the Convention does not make any provision for the exclusion of areas or zones under special regimes, such as duty free shops, free ports or non-Customs zones;
 3. URGES all Management Authorities to communicate with the Customs and other competent CITES enforcement officials to ensure that all CITES shipments travelling on ATA or TIR carnets comply with the applicable provisions of CITES; and
 4. REPEALS the Resolutions listed hereunder:
 - a) Resolution Conf. 4.10 (Gaborone, 1983) – *Definition of “In Transit”*;
 - b) Resolution Conf. 7.4 (Lausanne, 1989) – *Control of Transit*; and
 - c) Resolution Conf. 10.5 (Harare, 1997) – *Shipments covered by ATA and TIR carnets*.