



Department  
for Environment  
Food & Rural Affairs

# Consultation on proposals to amend the assimilated UK Wildlife Trade Regulations

**September 2025**

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# Glossary

**Annex:** In this context, typically referring to the [Annexes to Regulation 338/97](#) which list CITES species covered by the controls in the UK Wildlife Trade Regulations. These Annexes broadly align with the CITES Appendices, i.e. Annex A approximates Appendix I, Annex B approximates Appendix II and Annex C approximates Appendix III. Annex D does not have a CITES Appendix counterpart.

**APHA:** The Animal and Plant Health Agency, the UK CITES Management Authority responsible for CITES licencing.

**App:** Appendix. The species covered by CITES are listed in [three Appendices](#) (App I, App II and App III), according to the degree of protection they need.

**Assimilated law:** The body of law, originating in the UK's membership of the EU, which was assimilated into domestic UK law on 1 January 2021- see s.6(7) EU Withdrawal Act 2018. This includes the UK Wildlife Trade Regulations.

**UK BF:** UK Border Force, the UK's CITES Enforcement Authority at the border.

**CITES:** Convention on International Trade in Endangered Species of Wild Fauna and Flora (sometimes referred to as the Washington Convention).

**COP or CoP:** Conference of the Parties, CITES' main decision-making body.

**COTES or COTES Regulations:** The [Control of Trade in Endangered Species Regulations 2018](#), legislation that supports the implementation of the Wildlife Trade Regulations in the UK especially providing a framework for enforcement of these regulations.

**EU:** European Union

**EU WTRs:** [EU Wildlife Trade Regulations](#), directly-applicable law that implements CITES in EU Member States and Northern Ireland under the UK-EU Withdrawal Agreement.

**FCR:** Full cost recovery, meaning the income generated by a service in fees and charges covers the cost of providing that service in line with principles set out in [Managing Public Money](#).

**IWT:** Illegal wildlife trade.

**JNCC:** The Joint Nature Conservation Committee which is the Fauna Scientific Authority for UK CITES.

**LAF:** [Legal acquisition finding](#). An examination conducted by a Management Authority prior to issuing a CITES export permit to satisfy itself that the specimen was legally acquired.

**MA:** Management Authority, the body responsible for domestic CITES implementation in its country. Defra CITES policy team and APHA's Centre for International Trade, Bristol jointly act as the UK MA.

**MIC:** Musical Instrument Certificate. Streamlines the requirement for obtaining multiple CITES export permits when an instrument contains CITES material and is not exempted from permit requirements.

**NDF:** [Non-detriment finding](#). An assessment by a Scientific Authority that the export or import of a specimen of a particular species will not impact negatively on the survival of that species in the wild.

**NGO:** Non-governmental organisation (also eNGO – environmental NGO).

**NI:** Northern Ireland.

**Pegasus:** The IT system used by APHA, JNCC and Kew to receive, evaluate and issue applications for CITES permits and certificates.

**PoE:** Point of entry or exit.

**Purpose code:** An alphabetical letter used on CITES permits and certificates to indicate the purpose of trade in the specimen covered by the document.

**RBG Kew or Kew:** The Royal Botanic Gardens, Kew which is the Flora Scientific Authority for UK CITES.

**Res or Res Conf:** [Resolution](#). An agreement between CITES Parties about the interpretation of the Convention or application of its provisions.

**REUL:** Retained EU Law, the name given to the body of assimilated law between 1 January 2021 and 31 December 2023. The name was changed, without affecting the content, on 1 January 2024 – see s.5 Retained EU Law (Revocation and Reform) Act 2023.

**REUL Act:** The Retained EU Law (Revocation and Reform) Act 2023, which addresses the status of REUL and provides powers for its amendment or revocation.

**SA:** Scientific Authority. Responsible for providing scientific advice to its Management Authority, particularly whether the export of a specimen will be detrimental to the survival of the species in the wild. The UK's SAs are: Joint Nature Conservation Committee – for fauna; and the Royal Botanic Gardens, Kew – for flora.

**SC:** Standing Committee, an intersessional governance structure for MEA decision-making between CoPs.

**Source code:** An alphabetical letter used on CITES permits and certificates to indicate the source of the specimen covered by the document.

**TEC:** Travelling Exhibition Certificate. Allows the movement of Annex A or B specimens across multiple borders as part of a travelling exhibition.

**UK MA:** UK Management Authority for CITES.

**UK SA:** UK Scientific Authority for CITES.

**UK WTRs:** UK Wildlife Trade Regulations – generic term for legislation GB retained post-EU Exit.

**WCA:** Wildlife and Countryside Act 1981.

## Introduction

### Aims and objectives of the CITES reform programme

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (“CITES”) is an international agreement that aims to ensure that international trade in specimens of wild animals and plants is conducted legally and does not threaten the survival of the species. A key part of this is achieved through the issuing of permits for the import, (re-)export and introduction from the sea of species listed on the CITES Appendices.

The body of legislation that implements CITES in the UK largely derives from the European Union (EU) and was designed to administer a common EU-wide system. Under the [Retained EU Law \(Revocation and Reform\) Act 2023](#) (“REUL Act”) and assimilated powers that passed to the Secretary of State following EU Exit there is an opportunity to review CITES implementing legislation to ensure that it is clear, proportionate, and fit for purpose for the UK as a single CITES Party. This aligns with recommendations from the Corry Review<sup>1</sup>, which advocates for regulations that deliver effective outcomes for both economic growth and nature recovery. The reform presents an opportunity to create a more coherent and effective legal regime that protects wildlife and supports sustainable trade.

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<sup>1</sup> Delivering economic growth and nature recovery: an independent review of Defra’s regulatory landscape 2025: <https://www.gov.uk/government/publications/delivering-economic-growth-and-nature-recovery-an-independent-review-of-defras-regulatory-landscape>

## Principles and considerations guiding the reform proposals

The reform proposals in this consultation have been developed in line with several guiding principles. Reforms should:

1. Reflect a precautionary approach – ensuring protections for species at risk of over exploitation through international trade remain in place where they are beneficial, are further enhanced where necessary, and removed where there is no tangible contribution to conservation.
2. Improve the effectiveness, efficiency, clarity, and coherence of CITES implementation in the UK to avoid unnecessary or disproportionate costs, burdens or impacts on government, regulators, or businesses/traders.
3. Recognise the value of legitimate, traceable, and sustainable use of CITES species in trade.
4. Be based on the best available evidence.
5. Be informed by stakeholders to ensure their expertise and interests shape proposals.
6. Ensure continued compliance with our obligations, including under CITES, Environment Act 2021 and the UK-EU Trade and Cooperation Agreement.

## Current UK CITES legislation

The legislation implementing CITES in the UK is a mix of assimilated EU regulations (referred to as the Wildlife Trade Regulations) and UK regulations providing UK-specific aspects of the framework for example regulations creating offences and penalties for non-compliance and the establishment of a fees structure for processing CITES applications.

### The Wildlife Trade Regulations (“WTRs”)

The WTRs consist of four separate but related regulations:

1. [Regulation 338/97](#) – also referred to as the ‘Primary Regulation’, it establishes the general CITES framework and contains legal powers to create implementing legislation.
2. [Regulation 865/2006](#) – also referred to as the ‘Implementing Regulation’. It adds detail to the overarching framework created by Reg. 338/97 to ensure effective implementation, for example, specific rules on permit types.
3. [Regulation 792/2012](#) – also referred to as the ‘Permits Regulation’. it sets out the technical specifications and templates for CITES permits, certificates and application forms.
4. [Regulation 1587/2019](#) – also referred to as the ‘Suspensions Regulation’, it sets out species or species-country combinations where import suspensions have been established meaning the issuance of import permits is prohibited.

As part of the process of leaving the EU, the EU WTRs were assimilated into UK law following technical amendments to ensure the legislation functioned practically outside the

EU (for example, removal of references to the 'European Union'). The amendments are contained in the CITES Exit SI ([The Environment and Wildlife \(Miscellaneous Amendments etc.\) \(EU Exit\) Regulations 2020](#)), and have been incorporated as marked up amendments into the online versions of the WTRs linked to above.

## **UK-specific legislation – COTES Regulations**

There are two primary sets of regulations that work alongside the WTRs to establish an enforcement, compliance and charging framework for the WTRs. These are the [Control of Trade in Endangered Species Regulations 2018](#) (“COTES Regulations”) and the [Control of Trade in Endangered Species Regulations \(Fees\) 2009](#) (“COTES (Fees) Regulations”). Other UK legislation supports the implementation and enforcement of the WTRs, for instance the [Customs and Excise Management Act 1979](#) (“CEMA”) which is used by UK Border Force to address non-compliance at the border. However, this is not CITES-specific legislation and not subject to this consultation.

1. [Control of Trade in Endangered Species Regulations 2018](#) – known as the COTES Regulations, these Regulations primarily provide the CITES-specific enforcement and compliance framework as well as setting out how specific elements of implementation operate such as split-listings where different populations of Annex A and B species are included on both Annex A and Annex B.
2. [Control of Trade in Endangered Species Regulations \(Fees\) 2009](#) – known as the COTES (Fees) Regulations, these Regulations establish the basis for charging for the consideration of applications for CITES permits, certificates and registration and set the value for these charges.

Under Annex 2 of the Windsor Framework the EU version of the Wildlife Trade Regulations applies directly in Northern Ireland. The UK-derived CITES legislation (COTES and COTES (Fees) Regulations) applies in both GB and NI to allow enforcement of the WTRs across the UK. The proposed amendments described in Part Two, generally relate to the UK WTRs applicable in GB and will not affect the EU WTRs applicable in NI. The proposed changes to CITES fees and charges in Part Three and draft Statutory Guidance on Civil Sanctions in Part Four will apply across the UK (GB and NI).

## **Context for the consultation**

This consultation builds on a period of informal engagement with stakeholders affected by, and with an interest in, CITES. This includes traders and industry representatives, NGOs and individuals in the environmental sector and officials across the UK CITES regime. The consultation seeks formal feedback on the proposals and options developed to date to help identify a final proposed package of reforms. Information and data on the costs and benefits of the proposed options for reforming the UK CITES legislation, and the impact on affected sectors, are key outcomes sought from this consultation. This will allow us to finalise a package of recommendations for consideration by Ministers. Subject to further analysis, some of the options outlined in the consultation may exceed the powers currently

available to achieve them. Feedback on these will also be important in determining powers that may need to be sought in the future to effectively implement CITES in the UK.

This consultation has been broken down into four substantive parts. Each of these parts is explained below and relate to a distinct proposal or group of proposals.

## **Part one: general consultation questions**

This part contains general or demographic questions and seeks to gather information on responders to the consultation to support the analysis of the consultation responses.

## **Part two: proposals to amend CITES assimilated legislation**

This part describes the package of draft proposals that have been developed following informal consultation with UK CITES Authorities, industry representatives and traders or individuals affected by CITES regulations, NGOs with expertise in the field and other interested stakeholders. The consultation questions have been designed to gather views on proposed options for amending the assimilated UK WTRs and any other options that should be considered. The proposals being consulted on aim to cover three broad areas:

1. **Better targeting of compliance burdens on industry** to facilitate sustainable and legitimate trade in line with the aims of CITES.
2. **Improving conservation outcomes**, including ensuring the regime is delivering strong protections for species at risk from over-exploitation and illegal trade and providing appropriate tools to enforce against violations.
3. **Streamlining CITES processes in the UK** through automation and simplification, speeding up decision-making and reaching a full cost recovery model.

## **Part three: proposed amendments to the CITES fees and charges framework**

This part describes proposed revisions to the CITES fees and charges framework. These revisions seek to achieve three outcomes:

1. **Achieving full cost recovery (“FCR”)** - bringing the income generated by CITES fees and charges to FCR having last been updated by The Animal Health (Miscellaneous Fees) [Regulations](#) 2013;
2. **Simplifying the charging framework** for CITES permits and certificates to support the full automation of payments into the new Pegasus service; and
3. **Implementing easements in fees and charges** for CITES movements between Great Britain and Northern Ireland and vice versa, to achieve a similar outcome to other schemes, for example, the [Movement Assistance Scheme](#).

## Part four: draft Statutory Guidance for COTES civil sanctions

This part seeks views on the draft guidance on the use of civil sanctions included in Schedule 2 of the Control of Trade in Endangered Species [Regulations](#) 2018 (“COTES”) as required by Regulation 28 of Schedule 2. The guidance focuses on how civil sanctions would be used and the process by which this would occur.

### The purpose of a public consultation

The purpose of this consultation is to seek views on proposals and policy options for reforming the UK CITES domestic legislation, updating the associated fees and charges and draft statutory guidance on the use of civil sanctions under COTES 2018. This feedback will allow the development of final proposals for legislative reform as well as a final draft of the statutory civil sanction guidance (Part Four) prior to the commencement of their use.

Full descriptions of these proposed policy options are described in Parts 2, 3 and 4.

### Audience

This is a public consultation, and we welcome all views, particularly APHA customers, businesses that trade in CITES specimens or work with those who do, scientific institutions, academics, and NGOs. The questions are presented in a way to accommodate both a general audience and stakeholders with specialist knowledge on the regulation of trade in endangered species or CITES.

### Responding to this consultation

The consultation will run primarily via the Citizen Space online portal. However, we will accept email and hard copy responses for those unable to access the online survey. Please get in touch via the details below if you have any accessibility requirements relating to this consultation.

Please respond to this consultation in one of the following ways:

**Online** using the Defra Citizen Space consultation hub. For ease of analysis, responses via the Citizen Space platform would be preferred, if possible, but alternative options are provided below if required.

**By email** to: [CITES.UKMA@defra.gov.uk](mailto:CITES.UKMA@defra.gov.uk). Please also use this email address to direct any questions or issues you might have with the consultation.

**By post:**

Defra CITES policy team,

4<sup>th</sup> Floor,  
Horizon House,  
Deanery Road,  
Bristol, BS1 5AH

You only need to respond to the questions that are relevant to you. There is no obligation to answer every section, and you may leave blank any parts that do not apply to your sector or organisation. However, all respondents must complete the 'personal details and confidentiality' section before you are able to submit your response to the online survey.

A series of consultation support sessions will accompany the consultation. These sessions will provide guidance for how to fill out your consultation response and provide an opportunity for any questions relating to the consultation and its contents. These sessions will be held online via Teams at the following times:

- 18 September: [3:30-5pm](#)
- 30 September: [4-5:30pm](#)
- 16th October: [4-5:30pm](#)

Please get in touch via [CITES.UKMA@defra.gov.uk](mailto:CITES.UKMA@defra.gov.uk) if you require any assistance to join these sessions or may require alternative support in order to respond to this consultation.

## Duration of the consultation

This consultation opened on 11 September 2025 and will run for 6 weeks, closing at 23:59 on 23 October 2025. This slightly reduced period is to responsibly manage the downstream delivery timelines and risks. We consider this reduction appropriate as this consultation builds on extensive engagement with industry representatives, NGOs and other interested stakeholders in the co-development of the proposals outlined in the consultation. Anyone that may need additional support to respond to the consultation within this timeframe should contact us via [CITES.UKMA@defra.gov.uk](mailto:CITES.UKMA@defra.gov.uk).

Please note, any responses sent by post must arrive at the above address by the closing date of the consultation 23 October 2025 to be considered. Any responses received after this date will not be included in the analysis.

At the end of the consultation period, we will summarise the responses and place the summary on the UK government's website. We will continue to engage with stakeholders once the consultation has closed.

## Confidentiality and data protection information

A summary of responses to this consultation will be published on the UK government website at: [www.gov.uk/defra](http://www.gov.uk/defra). An annex to the consultation summary will list all

organisations that responded but will not include personal names, addresses or other contact details.

Defra may publish the content of your response to this consultation to make it available to the public without including personal details, such as your personal name and private contact details (home address, email address).

If you click on 'Yes' in response to the question asking if you would like anything in your response to be kept confidential, you are asked to state clearly what information you would like to be kept as confidential and explain your reasons for confidentiality. The reason for this is that information in response to this consultation may be subject to release to the public or other parties in accordance with access to information laws (these are primarily the Environmental Information Regulations 2004 (EIRs), the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 2018 (DPA)).

We have obligations, mainly under the EIRs, FOIA and DPA, to disclose information to particular recipients or to the public in certain circumstances. In view of this, your explanation of your reasons for requesting confidentiality for all or part of your response would help us balance these obligations for disclosure against any obligation of confidentiality. If we receive a request for the information that you have provided in your response to this consultation, we will take full account of your reasons for requesting confidentiality of your response, but we cannot guarantee that confidentiality can be maintained in all circumstances.

If you click on 'No' in response to the question asking if you would like anything in your response to be kept confidential, we will be able to release the content of your response to the public, but we will not make your personal name and private contact details publicly available.

Defra may share the information you provide in response to the consultation, including any personal data with external analysts, but only for the purposes of consultation response analysis and provision of a report of the summary of responses.

## Compliance with the consultation principles

This consultation is being conducted in line with the Cabinet Office *Consultation Principles* and can be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>.

If you have any comments or complaints about the consultation process, please address them by e-mail to: [consultation.coordinator@defra.gov.uk](mailto:consultation.coordinator@defra.gov.uk).

## Part one: general consultation questions

To help us when we come to analyse the consultation responses, we would like you to answer a few questions about you, or where relevant, about your organisation.

**QUESTION 1: Would you like your response to be confidential? (Required)**

Yes

**No**

**If you answered Yes to this question, please give your reason(s)**

**QUESTION 2: What is your name as the respondent? Please note, organisation names will be asked below. (Required)**

**QUESTION 3: What is your email address?**

*If you enter your email address, you will automatically receive an acknowledgement email when you submit your response.*

**QUESTION 4: Do you consent to us using your contact details for future purposes relating to this consultation? (Required)**

Yes

No

**QUESTION 5: Are you responding as an individual or on behalf of an organisation?  
(Required)**

- An individual – *you are responding with your personal views, rather than as an official representative of a business, business association or other organisation.*
- Organisation**

**[If yes to organisation] What type of organisation are you responding on behalf of?**

- A government body
- Non-governmental organisation (NGO)
- Local authority
- Charity
- Consultancy
- Small or micro-business (less than 50 employees, including any global operations)
- Medium business (50 to 249 employees, including global operations)
- Large business (250 or more employees, including global operations)
- Industry association**
- Academia – in an official capacity as a representative of an academic or scientific institution
- Other (please specify) \_\_\_\_\_

**[If yes to organisation] What is the name of the organisation?**

Cosmetic, Toiletry and Perfumery Association (CTPA)

**QUESTION 6: Which sectors affected by CITES are you interested in?**

- All sectors regulated by CITES
- Zoos and captive breeding programmes
- Fashion
- Food
- Antiques
- Musical instruments
- Biological and biomedical samples
- Timber
- Beauty and health products
- Live plants and horticulture
- Pet trade
- Aquatics
- Museums, botanical gardens, and travelling exhibitions
- Other (Please specify) \_\_\_\_\_

**QUESTION 7: Are you involved in the trade of specimens that require CITES permits or certificates?**

- Yes
- No

**[If Yes] How regularly do you apply for CITES documents from APHA?**

- Weekly
- Once or twice a month
- Quarterly
- Once or twice a year
- Rarely

**[If Yes] Approximately how many CITES applications do you typically submit a year?**

1. <1
2. 1-5
3. 5-25
4. 25-100
5. 100+

**QUESTION 8: Do you require any of the other permits, licences or other official documentation below for your trade? [Please tick all that apply]**

- Dangerous Wild Animals registration
  - Dispensation zoo licence or exemption
  - Export Health Certificates
  - Licensing of Activities Involving Animals (LAIA) licence
  - Phytosanitary certificates
  - Schedule 4 Bird Registration
  - Welfare in transit licences
  - Zoo licence
  - None
  - Other related licensing or authorisation (please specify)
- 

**QUESTION 9: What is the approximate annual cost of complying with CITES requirements to your business?**

CITES fees and charges applied by APHA

- <£50
- £50 - £250
- £250 - £1,000
- £1,000 - £5,000
- £5,000+

Administrative costs (for example, time needed for applications, required record keeping etc.)

- <1 hour
- 1 – 10 hours
- 10 – 50 hours
- 50 – 250 hours
- 250+ hours

Familiarisation costs (for example, time required to understand the CITES requirements and any changes to those)

- <1 hour
- 1 – 10 hours
- 10 – 50 hours
- 50 – 250 hours
- 250+ hours

Please outline any other costs associated with complying with CITES requirements that are not captured in the questions above.

# Part two: proposals to amend CITES assimilated legislation

## Better targeting of CITES controls

### Article 10 certificates (commercial use certificates)

#### Current arrangements

An Article 10 certificate (also known as a commercial use certificate) is a legal document that allows the commercial use of species listed in Annex A in the UK. Without this certificate, commercial use is prohibited. These certificates demonstrate that one of the exemptions listed in [Article 8\(3\)](#) of EC Reg 338/97 applies. There were 20,207 UK Article 10 certificates issued in 2024.

Commercial use is defined in Article 8 as:

- the purchase;
- the offer to purchase;
- the acquisition for commercial purposes;
- the display to the public for commercial purposes;
- the use for commercial gain and sale;
- the keeping for sale; or
- the offering for sale or transporting for sale of specimens of the species listed in Annex A.

Article 10 certificates give UK CITES Authorities oversight of the domestic commercial use of Annex A specimens. This ensures that there is consistent and robust interpretation of the exemption criteria included in [Article 8\(3\)](#).

The framework setting out a prohibition on the commercial use of Annex A specimens in Article 8 and the requirement for Article 10 exemption certificates is inherited from EU regulations. However, this framework is intended to support effective implementation of the Convention's obligation that Appendix I specimens should "*not to be used for primarily commercial purposes*" and that trade "*must only be authorised in exceptional circumstances*", while allowing for proportionate exemptions.

[Article 62](#) (EC Reg 865/2006) outlines general exemptions to the prohibitions of commercial use of Annex A specimens and the requirement for Article 10 certificates, including:

- Worked specimens that predate 1947;

- Artificially propagated plant specimens; and
- Appropriately marked commonly captive bred specimens of the species listed in [Annex X](#).

### Challenges with current approach

Despite the general exemptions in Article 62, Article 10 certificates are still required for some specimens where the conservation rationale for doing so is less clear, for example, where specimens listed on CITES Appendix II have been included on Annex A of the WTRs (instead of Annex B as would typically be the case) and so subject to more stringent controls within the EU. This creates administrative burdens and costs for both industry in applying for Article 10 certificates and UK CITES Authorities, who assess and issue these certificates.

### Options for reform

There is an opportunity to re-consider the use of Article 10 certificates to ensure that controls are proportionate and risk based i.e. applying it only to species where there remains a risk of illegal trade. The following options have been identified:

1. **Add additional low-risk species to Annex X to better target certification burden:** Further use of [Annex X of EC Regulation 865/2006](#) to include three species of commonly captive bred non-native species of Mediterranean tortoises (*Testudo hermanni*, *Testudo graeca* and *Testudo marginata*). Annex X lists commonly captive bred species that have been exempted from the need for Article 10 certificates. These species are on CITES Appendix II, however, are included on Annex A of the WTRs. These species are considered low risk to add to Annex X as they are common in captivity and do not occur naturally in the UK. An assessment of whether specimens have been captive bred will still be undertaken prior to import, for example, via import permits. This would remove approx. 50% of the Article 10 certificates issued each year. Legislation is required to add species to Annex X.
2. **Self-certification instead of certificates:** Retain the prohibition on the commercial use of Annex A specimens and retain the exemptions in [Article 8\(3\) of Reg 338/97](#) and [Article 62 of Reg 865/2006](#). However, instead of requiring an Article 10 certificate to demonstrate an exemption has been met, users would be required to self-certify by way of a declaration to say that their specimens meet the exemption criteria. If the information on this declaration was subsequently found to be erroneous or falsified, the person making the self-certification would be liable to enforcement action. This would reduce government and industry costs associated with compliance, however, introduce greater risks of inconsistent or inappropriate use of the exemptions and increase the requirement for government compliance resourcing.
3. **Use export permits in place of Article 10 certificates for their validity period:** Introduce a provision which would allow a (re-)export permit to act in place of an

Article 10 certificate for the duration of its six month validity. This is similar to the provisions currently in [Article 48\(2\)](#), which allows import permits to act in place of an Article 10 certificate. The application process for (re-)export permits involves a comparable assessment process to that for Article 10 certificates. This means that application would be subject to the same scrutiny whilst avoiding duplication of process, fees and documentation, especially for specimens that will be (re-)exported soon after production.

4. **Do nothing:** Retain the existing framework for Article 10 certificates without changes. This would maintain the current level of regulatory oversight.

The complete removal of Article 8 and the requirement for Article 10 certificates was considered. However, this approach would leave the UK at risk of not being aligned with the [Convention provisions](#) on the restriction of use of Appendix I (Annex A) specimens for primarily commercial purposes. Furthermore, without being replaced by measures achieving a comparable outcome, the complete removal could be considered not to be in line with the UK's non-regression commitments under the Trade and Cooperation Agreement on environmental standards ([Article 391](#)). However, we invite stakeholders to submit evidence either supporting or challenging this conclusion under Question 2, particularly in relation to compatibility with the Convention's obligations and the UK's environmental commitments and other alternative approaches that would achieve comparable outcomes.

**QUESTION 10: Please select your preferred option(s) – you can select multiple options.**

- Option 1** - Add additional low-risk species to Annex X to better target certification burden
- Option 2** - Self-certification instead of certificates
- Option 3** - Use export permits in place of Article 10 certificates for their validity period
- Option 4** - Do nothing

**QUESTION 11: Please provide any views or preferences on the options (1-4) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.**

**QUESTION 12: Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.**

**QUESTION 13: What impact would each option have on your organisation in terms of time, cost, or administrative burden?**

	Option 1 – Additions to Annex X.	Option 2 – Self-certification.	Option 3 – Export permits in place of an Article 10 certificate.	Option 4 – Do nothing.
<b>Significant increase</b>	■	■	■	■
<b>Moderate increase</b>	■	■	■	■
<b>Negligible change</b>	■	■	■	■
<b>Moderate reduction</b>	■	■	■	■
<b>Significant reduction</b>	■	■	■	■

Please explain your answer and provide any data or examples.

## Import permits for Annex B specimens

### Current arrangements

Under [Article 4 of EC 338/97](#), the import of a specimen listed in **Annex B** requires an import permit issued prior to import. This is a stricter measure not required under the Convention. It provides additional assurances and oversight for UK CITES Authorities, delivering a means to control imports into the UK to ensure that this trade is in compliance with the principles and objectives of CITES. In 2024, there were 28,445 UK import permits issued for Annex B specimens (of which 23,994 permits were for animal specimens and 4,451 permits were for plant specimens).

To issue an import permit, the UK Scientific Authorities (“SAs”) must conduct a reciprocal non-detriment finding (“NDF”) to ensure that trade is both legal and sustainable. The

Convention requires one to be carried out by the exporting country. Having this provision in place allows UK CITES Authorities the ability to impose trade restrictions when the issuance of an import permit is considered to be detrimental to the conservation of the species or not in compliance with the Convention.

The import permit system supports near real time monitoring of trade, helping to detect and respond to risk of unsustainable or illegal trade. Additionally, it supports broader CITES objectives, such as identifying species new to UK trade, assessing proposed exemptions or potential annotation changes, detecting nomenclature discrepancies, and understanding overall trade trends.

A further benefit of maintaining this requirement in the UK (and EU) is to provide incentives for range states to have robust management in place in order to access these markets<sup>2</sup>.

We invite stakeholders to provide evidence supporting or challenging the benefits associated with Annex B import permits and share views on whether alternative models could adequately mitigate any risks associated with amendments to these requirements.

#### Challenges with current approach

The requirement for import permits applies to all Annex B specimens being imported into the UK with limited exceptions (for example, specimens falling under the personal effects derogation). The difficulty with this blanket approach is that it does not differentiate between the different risk profiles associated with different species or types of trade, which can create unnecessary burdens on both UK CITES Authorities and industry.

#### Options for reform

This is an opportunity to consider a more targeted approach to re-evaluate import permit requirements for Annex B specimens whilst maintaining conservation and compliance safeguards, in line with the overall goals of the Convention. The following options have been identified:

1. **Create a “low risk” species list:** Introduce an additional Annex into [EC Regulation 865/2006](#), that lists species or species-country combinations, or both, which are exempt from import permit requirements based on their low conservation, enforcement, and compliance risks. This list would function similarly to [Annex X of Reg 865/2006](#) for Article 10 certificates and be agreed in consultation with the UK Scientific Authorities. Stakeholders are invited to

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<sup>2</sup> “Quantifying the economic and environmental costs and benefits of the stricter obligations imposed by the EU’s Wildlife Trade Regulations, and possible alternative measures” EFTEC (2011).

provide views on which species or species-country trade could be considered lower risk in the open text box below.

2. **Replace an import permit with an import notification:** Require the use of import notifications for where an Annex B specimen is imported instead of requiring a permit, allowing real-time data reporting of imports into the UK without requiring a permit application to be assessed and issued. This approach could be combined with expanded provisions for suspending trade where there are sustainability concerns.
3. **Exempt artificially propagated plants:** Remove the requirement for an import permit in relation to the import of live artificially propagated plants (CITES Commodity Code – LIV, CITES Source Code - A). This provision would be similar to the easements provided for artificially propagated plants in [Article 7\(1\) of Reg 338/97](#). This reflects the typically low conservation risk of these production techniques. There were approx. 2,800 import permits issued for live artificially propagated plants in 2024.
4. **Use “semi complete” permits more widely for high volume, low risk trade:** This option extends the use of semi-complete permits - allowing high volume, low risk trade to obtain partially completed import permits in advance, with final details completed at a later stage. This would particularly benefit sectors with short turnaround supply chains, such as live horticultural plants or caviar, where permit processing times can create constraints.
5. **Removal or other amendment of Annex B import permit requirement:** This would remove up to approximately 28,000 import permits annually (based on 2024 data), including associated costs, burdens, oversight and conservation benefit. This approach would include the risks and lose the benefits set out in the *Current Arrangement* section above. Under this option, we are seeking strong evidence indicating that removing or amending the requirement for import permits would not lead to environmental regression or regulatory misalignment.
6. **Do nothing:** Retain import permits for all Annex B specimens, but continue to enhance operational processes to improve and streamline the issuing of permits.

**QUESTION 14: Please select your preferred option(s) – you can select multiple options.**

- Option 1** – Create low risk species list
- Option 2** – Replace import permits with import notifications
- Option 3** – Exempt artificially propagated plants
- Option 4** – Semi complete permits for high volume, low risk trade
- Option 5** – Removal or other amendment of Annex B import permit requirement
- Option 6** – Do nothing

**QUESTION 15: Please provide any views or preferences on the options (1-6) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals under Option 5.**

The UK cosmetics industry strongly supports Option 2, the proposed shift from an import permit system to an import notification system for certain CITES-listed specimens. This change would reduce burdens on both importers and authorities, and allow resources to be focused on higher-risk species. A notification-based approach still maintains traceability and oversight whilst minimising burdens. It is important to still maintain some import traceability, as an absence of this could cause problems further along the shipment's journey; for example, import into another country following re-export from the UK. Shipment supply chains are complicated so the ideal situation is to maintain traceability whilst reducing administrative requirements at each stage.

Reducing authorities' administrative requirements for approving paperwork can also help avoid supply chain disruption if shipments are released without fully complete approvals. If there are fewer requirements, such mistakes would be less likely to occur.

In addition, CTPA also supports Options 1 and 3 to operate alongside Option 2. Where it can be demonstrated that trade in certain species from well-established sources with a high level of control and sustainable practice, having an import permit or notification is not necessary. In regard to Option 3, substances imported for use as ingredients in cosmetic and personal care products have commercial use and therefore are from controlled sources with a reliable level of output; for example, artificially propagated plants. Therefore, the cosmetics industry also supports an exemption from import notification requirements for artificially propagated plants. Recent work to achieve an exemption from CITES requirements for finished cosmetic products containing certain orchid species from artificially propagated sources demonstrates that both Option 1 and Option 3 are feasible and beneficial to both the industry and authorities.

**QUESTION 16: Please outline the current cost to your business, both financially and administratively, of Annex B import permits, provide data where possible.**

**QUESTION 17: What impact would each proposal have on your organisation in terms of time, cost, or administrative burden?**

	Option 1 – Create low risk species list.	Option 2 – Replace import permits with import notifications.	Option 3 – Exempt artificially propagated plants.	Option 4 – Use of semi-complete permits.	Option 5 – Removal or other amendment of Annex B import permit requirement.	Option 6 – Do nothing.
<b>Significant increase</b>						
<b>Moderate increase</b>						
<b>Negligible change</b>						
<b>Moderate reduction</b>						
<b>Significant reduction</b>						

Please explain your answer and provide any estimates or examples.

## **Semi-complete permits**

### Current arrangements

In the UK, a semi-complete permit provides a simplified procedure for obtaining the necessary documentation for the export or re-export of dead Annex B or C specimens, including parts or derivatives (Article 19 of Reg 965/2006). Semi-complete permits allow for (re-)export permits to be issued ahead of time with a specimen description and maximum quantity, with the final shipment details added at the point of use. Semi-complete permits have the same validity period as standard (re-)export permits of six months.

To obtain a semi-complete permit, an applicant must demonstrate a track record of good record keeping and there are additional reporting requirements, including the return of any unused permits at the end of their validity date. While APHA will consider each application for semi complete permits on its own merits, it retains the right to issue a standard permit if

this is considered more appropriate in that circumstance. Issuing semi-complete permits requires additional post-issuance monitoring by UK CITES Authorities, including timely returns, and oversight of trade volumes, which shifts some administrative burden from industry to the UK CITES Authorities.

### Challenges with the current approach

Despite their potential benefits, semi-complete permits are not used as widely as they could be. This is in part due to restrictions on their use (only for (re-)exports of dead and derivative specimens) and difficulties experienced in meeting the requirements for use, including maintaining adequate records or returning copies of used permits.

### Options for reform

- 1. Extend semi-complete permits to both imports and exports and live Annex B and C specimens:** Extend the use of semi-complete permits to include live Annex B and C specimens and import permits to address one of the limitations on their use. APHA, in consultation with JNCC and RBG Kew as the UK CITES Scientific Authorities, would retain the discretion over whether semi-complete or standard permits are issued based on factors such as well-established trade and good record keeping. Implementation of a wider use of semi-complete permits would necessitate a review of the associated guidance and processes to support a) businesses to understand and comply with the requirements for their use and b) government bodies to achieve the beneficial outcomes sought.
- 2. Do nothing:** Retain the existing framework for semi-complete permits without changes. This would maintain the current system as it stands, with semi-complete permits only available for dead specimens, parts, and derivatives under existing regulations.

### **QUESTION 18: Please select your preferred option.**

- Option 1** - Extend semi-complete permits to both imports and exports and live Annex B and C specimens
- Option 2** - Do nothing

**QUESTION 19: Please provide any views or preferences on the options (1-2) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.**

**QUESTION 20: Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.**

**QUESTION 21: What impact would each proposal have on your organisation in terms of time, cost, or administrative burden?**

	Option 1 – Extend use of semi-completes.	Option 2 – Do nothing.
<b>Significant increase</b>	■	■
<b>Moderate increase</b>	■	■
<b>Negligible change</b>	■	■
<b>Moderate reduction</b>	■	■
<b>Significant reduction</b>	■	■

Please explain your answer and provide any estimates or examples.

## Annex D

### Current arrangements

Annex D is an additional fourth Annex contained only in the EU and UK WTRs that does not require approval from the CITES Conference of Parties in order for species to be added to it. It includes species not listed on CITES Appendices I, II or III which are imported in sufficient numbers to warrant monitoring, as well as species for which the UK has a reservation in place, meaning the UK has formally opted out of certain CITES trade restrictions for those species.

The list of species on Annex D is subject to regular review and amendment. Imports of Annex D-listed species require the completion of an import notification at the point of import. This provides a data source to monitor trade of non-CITES listed species, helping to identify potential conservation concerns and assess whether further regulatory measures - such as a CITES Appendix I, II or III listing – may be necessary. For example, seahorses (*Hippocampus* spp.) were listed in Annex D before subsequently being listed in CITES Appendix II (Annex B).

Import notifications do not require assessment or approval, and there are no limits on the number of specimens that can be imported. Currently, import notifications are physical forms issued by APHA and completed by the importer for presentation to UK Border Force at import. There are 140 species listed on the UK [Annex D](#), resulting in approximately 60-100 import notifications each year.

### Challenges with the current approach

Annex D requirements impose administrative burdens whilst the information obtained for listed species is limited and therefore of potentially limited utility.

Other data sources, such as Import of Products, Animals, Food and Feed System (IPAFFS) records, customs import codes or commodity codes, and other data currently collected on import or export, or both, have been considered as potential alternatives. However, these sources have limitations including, variations in nomenclature used and reporting levels (for example data reported at genus or family level opposed to species level).

### Options for reform

There is an opportunity to improve how we use Annex D or reduce the burdens associated with it while maintaining monitoring capabilities. The following options have been identified:

1. **Retain Annex D but review listed species and digitise import notifications:** Keep Annex D under regular review, and prioritise the inherited list of species to just those of ongoing UK interest only (such as those prevalent in UK trade or species of concern). To reduce administrative burdens, we propose a transition to an online system for import notifications rather than physical forms.
2. **Retain Annex D as a published list but remove the import notification requirement:** Maintain Annex D as a reference list of species of interest, subject to regular review, but remove the requirement for import notifications. Instead, trade monitoring could rely on other available data sources, for example IPAFFS or customs declarations for information of the trade and use of Annex D listed species.

3. **Remove Annex D entirely:** Eliminate Annex D and its associated provisions and seek oversight of imports of non-CITES listed species into the UK through other available data sources, for example IPAFFS.
4. **Do nothing:** Retain the existing Annex D framework without changes, maintaining the current import notification system and species listing approach as it stands.

**QUESTION 22: Please select your preferred option(s) – you can select multiple options.**

- Option 1** - Retain Annex D, but review listed species and digitise import notifications
- Option 2** - Retain Annex D as a published list but remove the import notification requirement
- Option 3** - Remove Annex D entirely
- Option 4** - Do nothing

**QUESTION 23: Please provide any views or preferences on the options (1-4) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.**

**QUESTION 24: Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.**

**QUESTION 25: What impact would each proposal have on your organisation in terms of time, cost, or administrative burden?**

	Option 1 – Retain Annex D but review listed species and digitise import notifications.	Option 2 – Retain Annex D but remove the import notification requirement.	Option 3 – Remove Annex D entirely.	Option 4 – Do nothing.
Significant increase	■	■	■	■
Moderate increase	■	■	■	■
Negligible change	■	■	■	■
Moderate reduction	■	■	■	■
Significant reduction	■	■	■	■

Please explain your answer and provide any estimates or examples.

**QUESTION 26: Are you aware of the need to complete an import notification when importing Annex D-listed species?**

- Yes
- No

**QUESTION 27: Would an Annex D listing affect whether you trade in a listed species?**

- Yes – increase likelihood of trading in the listed species
- Yes – decrease likelihood of trading in the listed species
- No

**QUESTION 28: Please provide species that should be added to Annex D or removed from Annex D using the scientific name where possible.**



## Travelling Exhibition Certificates ([Chapter VII of Reg 865/2006](#))

### Current arrangements

Travelling Exhibitions Certificates (“TECs”) allow for specimens being transported together and regularly crossing international borders to use a single, multiple-use permit, instead of requiring individual (re-)export and import permits for each border crossing. This streamlines the process and reduces the costs associated with obtaining permits for CITES-listed specimens. TECs are typically used by touring museum collections, orchestras and other collections that meet the definition of a Travelling Exhibition: *a sample collection, travelling circus, menagerie, or plant exhibition used for commercial display to the public* (Reg 865/2006).

To be eligible for a TEC, the CITES specimen must be part of a genuine travelling exhibition, and either be derived from captive-bred, artificially propagated or pre-Convention specimens. They must also adhere to CITES requirements that ensure trade is legal, traceable and sustainable.

### Challenges with the current approach

The WTRs currently require TECs issued by other Management Authorities to be reissued by the UK MA for import into the UK ([Art. 32\(2\) of Reg 865/2006](#)). This requirement undermines the intended purpose of TECs to facilitate regular cross border movements. This has caused issues for tour groups moving between the EU and UK since EU Exit.

### Options for reform

There is an opportunity to adapt the process for issuing TECs to make it more efficient. The following options have been identified:

1. **Recognition of TECs issued by other Management Authorities:** Amend [Article 32](#) to allow TECs issued by other MAs to be accepted at the GB border without needing the reissuance of a UK TEC. This would reduce the administrative burden of duplicate permitting and reduce non-compliance.
2. **Permit applications by tour organisers or authorised agents:** Currently, TECs can only be issued to the owner of the specimen(s), which limits their practical use given that tours will often include items on loan or owned by different individuals in a

tour. This option would allow tour organisers or an authorised agent to apply on behalf of owners, for example by amending Box 3 of the TEC application form replacing 'owner' with 'person(s) responsible for' or equivalent. Guidance on the liability of each person for the completion of the necessary CITES controls and consequences of non-compliance will be provided.

3. **Do nothing:** Retain the existing TEC framework without making any changes.

**QUESTION 29: Please select your preferred option(s) – you can select multiple options.**

- Option 1** - Recognition of TECs issued by other Management Authorities
- Option 2** - Permit applications by tour organisers or authorised agents
- Option 3** - Do nothing

**QUESTION 30: Please provide any views or preferences on the options (1-3) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.**

**QUESTION 31: Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.**

**QUESTION 32: What impact would each proposal have on your organisation in terms of time, cost, or administrative burden?**

	<b>Option 1 – Recognition of TECs issued by other Management Authorities.</b>	<b>Option 2 – Tour organisers or authorised agents to apply on behalf of owners.</b>	<b>Option 3 – Do nothing.</b>
<b>Significant increase</b>	■	■	■
<b>Moderate increase</b>	■	■	■
<b>Negligible change</b>	■	■	■
<b>Moderate reduction</b>	■	■	■
<b>Significant reduction</b>	■	■	■

Please explain your answer and provide any estimates or examples.

**Accommodation and care considerations within the WTRs**

Current arrangements

Under the WTRs, there are requirements to ensure the provision of suitable accommodation and care to safeguard the welfare of a specimen(s). For example, import permits for Annex A (Appendix I) or Annex B (Appendix II) live animal specimens can only be issued when the Scientific Authority is satisfied that the intended accommodation at the destination is adequately equipped to conserve and care for it properly ([Article 4\(1\)\(c\) and 4\(2\)\(b\) Regulation \(EC\) No 338/97](#)). To meet these requirements, importers of Annex A specimens must provide documentary evidence – typically by completing a standardised

Accommodation and Care Questionnaire<sup>3</sup>. For Annex A, this welfare assessment is a Convention requirement.

The UK has a comprehensive framework of devolved animal welfare legislation. This includes the Animal Welfare Act 2006, licensing regulations across England, Scotland and Wales (for example The Animal Welfare (Licensing of Activities Involving Animals) Regulations or Zoo Licensing Act 1981) and transport-specific legislation. These frameworks provide protections for CITES-listed species, however, most only apply to vertebrates. Decapod crustaceans and cephalopods are recognised as sentient under the Animal Welfare (Sentience) Act 2022 and invertebrates are protected during transport under general duty of care provisions. However specific legal protections for these species are limited.

### Challenges with the current approach

The current approach to welfare assessments presents several challenges:

- Duplication of effort: applicants must provide similar information across multiple regulatory frameworks, leading to administrative burden and inefficiencies. This is particularly the case for Annex B specimens, where welfare assessments under CITES may overlap with existing domestic welfare controls.
- Inconsistent coverage: there are variable protections for different taxonomic groups and under different circumstances. This creates uncertainty for applicants and authorities regarding the standards that must be met.
- Resource implications: conducting welfare assessments for all Annex B specimens places additional demands on UK CITES Authorities, despite the fact that welfare oversight already exists through other regulatory mechanisms; in addition, CITES Authorities may not be best placed to make welfare determinations.

### Options for reform

To address these challenges, the following options have been identified:

1. **Removal of welfare assessment for Annex B specimens:** Remove the requirement for UK CITES Authorities to conduct a specific welfare assessment for Annex B specimens (currently set out in [Art.4\(2\)\(b\) of Reg 338/97](#)). Instead, existing UK welfare frameworks would apply, which includes inspections, licensing requirements, and a duty on Local Authorities to take enforcement

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<sup>3</sup> [Endangered species: accommodation and care forms - GOV.UK](#).

action where relevant. For Annex A specimens, the requirement for an Accommodation and Care questionnaire by UK CITES Authorities would be retained but revised to place greater emphasis on prior compliance and experience with similar taxa.

2. **Do nothing:** Retain the existing welfare assessment requirements for Annex B specimens.

**QUESTION 33: Please select your preferred option.**

- Option 1** - Removal of welfare assessment for Annex B specimens
- Option 2** - Do nothing

**QUESTION 34: Please provide any views or preferences on the options (1-2) described or if you have any alternative proposals. Please outline any specific risks with relying on existing UK animal welfare legislation rather than dedicated provisions in the WTRs.**

**QUESTION 35: Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.**

**QUESTION 36: What impact would each option have on your organisation in terms of time, cost, or administrative burden?**

	Option 1 – Removal of welfare assessment for Annex B specimens.	Option 2 – Do nothing.
Significant increase	■	■
Moderate increase	■	■
Negligible change	■	■
Moderate reduction	■	■
Significant reduction	■	■

Please explain your answer and provide any estimates or examples.

## Strengthening conservation outcomes

### Greater use of civil sanctions to address enforcement gaps

#### Current arrangements

Civil sanctions offer a flexible and proportionate enforcement tool alongside criminal sanctions. While CITES enforcement in the UK has typically relied on applying criminal sanctions (Schedule 1 of COTES), civil sanctions were introduced under COTES 2018 to address non-compliance in relation to two areas:

- a) the incorrect packaging and labelling of caviar, and
- b) failure to display an Article 10 certificate (commercial use) when advertising an Annex A specimen for sale (see Part Four for more detail).

This framework for civil sanctions is set out in [Schedule 2](#) of COTES 2018. The Management Authority is required to publish and update guidance on their use. Draft guidance is included in Part 4 and Annex A of this consultation.

## Challenges with the current approach

Criminal sanctions are not always an appropriate, timely, or proportionate response to non-compliance. In some cases, UK CITES Authorities may issue warning letters where non-compliant activity is identified, but no further action is taken. This can undermine the CITES regulations as ineffective enforcement does not deter or penalise non-compliance.

## Options for reform

To strengthen enforcement measures, it is proposed that civil sanctions be extended to cover six additional offences or breaches which are currently enforceable through criminal sanctions. This will help to bridge the gap between advice and guidance, for example via a warning letter, and criminal prosecution. These additional tools will help to address non-compliance in a more proportionate and timely way, acting as effective diversionary measures from criminal prosecutions for more minor offences. The proposed offences in [Article 16 of EC Reg 338/97](#) are:

1. Introduction into, or export or re-export from the UK of specimens without the appropriate permit or certificate or with a false, falsified or invalid permit or certificate or one altered without authorization by the issuing authority;
2. Knowingly or recklessly making a false declaration or knowingly providing false information in order to obtain a permit or certificate (additionally referenced in COTES 2018 Schedule 1(2) under Offences and penalties);
3. Knowingly using specimens listed in Annex A other than in accordance with the authorisation given at the time of issuance of the permit or subsequently;
4. Purchase, offer to purchase, acquisition for commercial purposes, use for commercial gain, display to the public for commercial purposes, sale, keeping for sale, offering for sale or transporting for sale of specimens in contravention of Article 8;
5. Knowingly using a permit or certificate for any specimen other than one for which it was issued (additionally referenced in COTES 2018 Schedule 1(2) under Offences and penalties);
6. Knowingly falsifying or altering any permit or certificate issued in accordance with this Principal Regulation or Subsidiary Regulation (additionally referenced in COTES 2018 Schedule 1(2) under Offences and penalties).

Under this proposal the same suite of civil sanctions as currently set out in Schedule 3 of COTES 2018 would be applicable to these additional circumstances. If adopted, existing CITES civil sanctions guidance would be revised to reflect these additional offences.

The 'do nothing' option for this proposal would be the current approach, where civil sanctions apply only to the two existing offences. This would maintain the current

enforcement framework but may limit the ability to respond proportionately to lower-level non-compliance.

**QUESTION 37: Please select your preferred option.**

- Option 1** – Extend civil sanctions to six additional areas
- Option 2** – Do nothing

**QUESTION 38: Please provide any views or preferences on the options (1-2) described or if you have any alternative proposals.**

**QUESTION 39: Please indicate which (if any) of the 6 additional areas to be covered by civil sanctions you support:**

- 1** - Introduction into, or export or re-export from the UK of specimens without the appropriate permit or certificate or with a false, falsified or invalid permit or certificate or one altered without authorization by the issuing authority;
- 2** - Knowingly or recklessly making a false declaration or knowingly providing false information in order to obtain a permit or certificate (additionally referenced in COTES 2018 Schedule 1(2) under Offences and penalties);
- 3** - Knowingly using specimens listed in Annex A other than in accordance with the authorisation given at the time of issuance of the permit or subsequently;
- 4** - Purchase, offer to purchase, acquisition for commercial purposes, use for commercial gain, display to the public for commercial purposes, sale, keeping for sale, offering for sale or transporting for sale of specimens in contravention of Article 8;
- 5** - Knowingly using a permit or certificate for any specimen other than one for which it was issued (additionally referenced in COTES 2018 Schedule 1(2) under Offences and penalties);
- 6** - Knowingly falsifying or altering any permit or certificate issued in accordance with this Principal Regulation or Subsidiary Regulation (additionally referenced in COTES 2018 Schedule 1(2) under Offences and penalties).

**Please explain your answer(s) to the above question.**

**QUESTION 40: Please outline any other circumstances that you think civil sanctions could provide helpful additional enforcement capacity?**

**QUESTION 41: Please outline the current cost to your business, both financially and administratively, of the current approach (limited civil sanctions), providing data where possible.**

**QUESTION 42: What impact would each option have on your organisation in terms of time, cost, or administrative burden?**

	<b>Option 1 – Extend civil sanctions to six additional areas.</b>	<b>Option 2 – Do nothing.</b>
<b>Significant increase</b>	■	■
<b>Moderate increase</b>	■	■
<b>Negligible change</b>	■	■
<b>Moderate reduction</b>	■	■
<b>Significant reduction</b>	■	■

Please explain your answer and provide any estimates or examples.

## **Strengthen controls in place for Schedule 4 listed bird species**

### Current arrangements

Schedule 4 of the Wildlife and Countryside Act 1981 (WCA) requires certain bird species to be registered with the Animal and Plant Health Agency (APHA) if they are kept in captivity. This registration supports traceability and helps ensure specimens are legally acquired and used in compliance with the law. Traceability is also supported through the use of Article 10 certificates for Annex A specimens under CITES, which are required for commercial use. However, these certificates do not always provide the Management Authority with the same level of detail as the Schedule 4 Bird Register, such as current ownership or location.

Birds listed on Schedule 4 must be uniquely marked (typically with a closed ring) and registered shortly after hatching. However, in Great Britain, peregrine falcons and merlins can hold a valid Article 10 certificate in lieu of obtaining a registration document.

### Challenges with current approach

Recent cases have highlighted the need to strengthen controls for Schedule 4 bird species to improve traceability, compliance, and enforcement. Several issues have been identified with the current system:

- **Traceability gaps** – Inconsistent ringing practices and differences in the required documentation reduce the ability to track individual birds and investigate non-compliance, for instance a specimen-specific Article 10 certificate does not provide information on the current location or owner of the bird. This can also hinder the effective determination of legal acquisition required when considering permit applications.
- **Duplicated processes** – Overlap between import or export applications and Article 10 requirements increases administrative burden for both applicants and authorities.
- **Regulatory loopholes** – Exemptions for certain species and their hybrids may be used to avoid registration and oversight.
- **Outdated timeframes** – Current deadlines for chick registration vary across the UK and may not reflect practical breeding realities.

- **Assessment burden** – Applications involving large numbers of potential sires for artificial insemination are resource-intensive to process.

### Options for reform

1. **Standardise ringing requirements:** Introduce a consistent mandatory ring format for captive-bred CITES listed birds to improve traceability. The proposed ring number format set out in the table below is also compatible with EU requirements and is currently being trialled voluntarily:

Hatch Year		Country		CITES registered breeder number			Breeder initials		1-999 unique number			Ring size (Optional)
2	5	G	B	#	#	#	X	X	0	0	1	V/W/X

2. **Remove Bird Registration exemption for peregrine falcons and merlins:** Require all Schedule 4 birds, including peregrine falcons (*Falco peregrinus*) and merlins (*Falco columbarius*) with A10 certificates, to be registered. This would improve traceability by capturing key information such as current owner and location of a specimen, which is not included in A10 certificates but is essential for enforcement.

This proposal would complement “*Option 3: Use export permits in place of Article 10 certificates for their validity period*” of the Article 10 certificates section. Together, these changes would not increase the overall paperwork burden for specimens that are captive bred in GB and then exported from GB over a short period of time as only a CITES export permit and Schedule 4 Bird Registration would be required. This would replace the current requirement for both an A10 certificate and CITES export permit in most cases. Birds remaining in the UK beyond the six-month validity of the CITES export permit and being used commercially would still require both registration and A10 certification.

3. **Regulate hybrid specimens:** Bring hybrids of species included within Schedule 4 into scope of registration and A10 requirements. Currently hybrids of Schedule 4 bird species do not require registration. However, there is a growing trend towards using pure-bred parents to produce hybrid offspring - such as peregrine-gyr falcon hybrids (*Falco peregrinus x F. rusticolus*). As hybrids can be difficult to distinguish from pure-bred birds, the lack of registration requirements can be used to bypass existing controls undermining the ability to properly regulate pure-bred birds.

4. **Extend and align registration timelines:** Currently, captive-bred Schedule 4 birds must be registered within 15 days in England (for most species) and Wales, and within 20 days in Scotland. However, under modern breeding techniques it may not be possible for all chicks from a breeding female to be fitted with closed rings within this timeframe. This option would extend the registration deadline to 30 days. We are working with the Scottish and Welsh governments on a common set of requirements applicable across the UK. It is not proposed to change the requirements for non-captive bred specimens as the issues highlighted above do not apply in these circumstances.
  
5. **Do nothing:** Retain the current framework for Schedule 4 bird species. This would maintain existing registration requirements, exemptions, and timelines.

**QUESTION 43: Please select your preferred option(s) – you can select multiple options.**

- Option 1** - Standardise ringing requirements
- Option 2** - Remove Bird Registration exemption for peregrine falcons and merlins
- Option 3** - Regulate hybrid specimens
- Option 4** - Extend and align registration timelines
- Option 5** - Do nothing

**QUESTION 44: Please provide any views or preferences on the options (1-5) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.**

**QUESTION 45: Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.**

**QUESTION 46: What impact would each option have on your organisation in terms of time, cost, or administrative burden?**

Please explain your answer and provide any estimates or examples.

**QUESTION 47: Do you think guidance on record keeping expectations for the breeders of Annex A specimens would be useful?**

Yes

	Option 1 – Standardise ringing requirements.	Option 2 – Remove Bird Registration exemption for peregrine falcons and merlins.	Option 3 – Regulate hybrid specimens.	Option 4 – Extend and align registration timelines.	Option 5 – Do nothing.
Significant increase	■	■	■	■	■
Moderate increase	■	■	■	■	■
Negligible change	■	■	■	■	■
Moderate reduction	■	■	■	■	■
Significant reduction	■	■	■	■	■

No

**QUESTION 48: Do you trade in captive bred Annex A specimens?**

Yes

No

- A. [If yes] What species do you trade?



- **B. [If yes] What level of commercial trade in captive bred specimens are you involved in?**
  - International commercial trade
  - Domestic commercial trade
  - Both international and domestic trade
  - Do not trade commercially
  
- **C. [If traded commercially at all, one of first 3 options above]. What volume do you typically trade commercially per annum**
  - <10
  - 11-50 specimens
  - 50-200 specimens
  - 201-500 specimens
  - 500+ specimens

## **Article 60 certificates**

### Current arrangements

[Article 60](#) certificates, set out in Reg 865/2006, allow a scientific institution to hold Annex A specimens without needing individual Article 10 certificates for each. In the UK, these are typically issued to zoos, aquariums, botanical gardens and museums for Annex A specimens that are, or may be, used commercially, including for public display. Currently, there is no set validity period for these certificates, nor a process for review or revocation if an institution no longer meets the required criteria.

### Challenges with current approach

The lack of regular oversight makes it difficult to ensure institutions are meeting the requirements of Reg 865/2006. In some cases, concerns have been raised about record keeping and collection management - particularly for higher risk specimens such as unworked rhino horns. Without periodic review, it is unclear whether the lighter-touch approach of an Article 60 certificate remains appropriate.

### Options for reform

1. **Introduce a set validity period:** Set a fixed duration, for instance 5-year period, for Article 60 certificates, aligning with a periodic review and inspection of these institutions.
2. **Enable revocation where standards are not met:** Allow certificates to be voided if APHA, as Management Authority, in consultation with JNCC or RBG Kew, as Scientific Authorities, determines that an institution no longer meets the requirements for an Article 60 certificate. For instance, if there are issues with the record keeping or inadequate collection management.
3. **Do nothing:** Retain the current approach, with no fixed validity period or formal review process.

**QUESTION 49: Please select your preferred option(s) – you can select multiple options.**

- Option 1** - Introduce a set validity period
- Option 2** - Enable revocation where standards are not met
- Option 3** - Do nothing

**QUESTION 50: Please provide any views or preferences on the options (1-3) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.**

**QUESTION 51: Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.**

**QUESTION 52: What impact would each option have on your organisation in terms of time, cost, or administrative burden?**

	Option 1 – Introduce set validity period.	Option 2 – Enable revocation where standards are not met.	Option 3 – Do nothing.
<b>Significant increase</b>	■	■	■
<b>Moderate increase</b>	■	■	■
<b>Negligible change</b>	■	■	■
<b>Moderate reduction</b>	■	■	■
<b>Significant reduction</b>	■	■	■

Please explain your answer and provide any estimates or examples.

## Provisions to better address smuggling post-import

### Current arrangements

In order to implement CITES controls, presentation of documents, inspections and action is taken primarily at the border. Domestic certification applies primarily to Annex A specimens, which require an A10 certificate for commercial use (under [Article 8 of Regulation 338/97](#)).

Other countries have sought to address this issue in different ways such as:

- The US Lacey Act
- Canada's Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act 1992
- Australia's Environment Protection and Biodiversity Conservation Act 1999

Further analysis will be required to determine whether existing UK powers are sufficient to implement proposals based on consultation feedback. If there are no sufficient existing powers, feedback will be used to determine whether there is a case for seeking additional powers to address any issues identified.

### Challenges with the current approach

This creates a potential gap in the UK's regulatory framework. If a specimen is smuggled into the UK, there are limited regulatory options available to UK CITES Authorities once a specimen has crossed the border. This is particularly concerning if such a specimen is later used in captive breeding, artificial propagation or commercial activity. These specimens have an uncertain status for domestic activity and this may incentivise smuggling, as the offspring of illegally imported specimens are not subject to adequate controls.

### Options for reform

1. **Introduce additional domestic measures:** Introduce new provisions to strengthen enforcement action against illegally sourced or imported endangered species following entry into the UK to prevent them from entering captive breeding or artificial propagation operations.
2. **Do nothing:** Retain the current approach, where enforcement is primarily focused at the border and post-import controls are limited.

### **QUESTION 53: Please select your preferred option.**

- Option 1** - Introduce additional domestic measures
- Option 2** - Do nothing

**QUESTION 54:** Please provide any views or preferences on the options (1-2) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.

**QUESTION 55:** Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.

**QUESTION 56:** What impact would each option have on your organisation in terms of time, cost, or administrative burden?

	Option 1 – Introduce additional domestic measures.	Option 2 – Do nothing.
<b>Significant increase</b>	■	■
<b>Moderate increase</b>	■	■
<b>Negligible change</b>	■	■
<b>Moderate reduction</b>	■	■
<b>Significant reduction</b>	■	■

Please explain your answer and provide any estimates or examples.

## Registration of facilities that captive breed Appendix I species for commercial purposes in line with CITES Resolution 12.10 (Rev. CoP15)

### Current arrangements

[CITES Resolution 12.10 \(Rev. CoP15\)](#) on *Registration of operations that breed Appendix-I animal species in captivity for commercial purposes* establishes a registration process for facilities that commercially export captive bred specimens (whole animals or their parts and derivatives) of Appendix I species. This ensures transparency and consistent standards for facilities to ensure that commercial captive breeding of Appendix I specimens is well managed and sustainable.

The UK has not previously required registration of such facilities. Oversight has been managed through the Article 10 certificates system – delivering a comparable level of oversight of Appendix I captive breeding operations. Several UK facilities have to-date voluntarily chosen to [register](#).

### Challenges with current approach

The CITES Standing Committee has recently [determined](#) that the UK approach does not meet the requirements of the Convention. As a result, the UK must now register any facility breeding Appendix I species for commercial purposes in line with [Resolution 12.10 \(Rev. CoP15\)](#). Without this, the UK risks no longer being able to issue import or export permits for these specimens.

### Proposed approach

From **31 December 2026**, APHA would no longer issue import or export permits for Appendix I specimens for commercial purposes (purpose code T, source code C) unless the breeding facility is registered in accordance with [Resolution Conf. 12.10 \(Rev.CoP15\)](#). This timeline should allow sufficient time for facilities to apply and for UK Authorities to support the process.

Commerciality, as defined by the Convention, refers to any activity intended to “*obtain economic benefit, whether for money or otherwise and where the purpose of a transaction is directed toward sale, exchange or provision of a service or any other form of economic use or benefit*” ([Resolution. Conf. 5.10 \(Rev. CoP19\)](#)). Under this definition, a specimen is considered captive bred for commercial purposes if the specimen is born and bred in captivity in breeding facilities as defined in [Res. Conf.10.16 \(Rev.CoP19\)](#) on *Specimens of animal species bred in captivity*. This applies to both individuals in a private capacity or by legal entities, regardless of whether those breeding activities are for profit or not.

**QUESTION 57:** Please outline any views you have on the UK’s proposed approach for mandating CITES captive breeding operations registration in line with [Resolution 12.10 \(Rev. CoP15\)](#) as outlined above. Please include any challenges or

**benefits for facilities in the proposed approach and process of registering and any potential alternatives. Provide evidence and data where possible.**

**QUESTION 58: What impact would this proposal have on your organisation in terms of time, cost, or administrative burden?**

- Significant increase
- Moderate increase
- No change
- Moderate reduction
- Significant reduction

Please explain your answer and provide any estimates or examples.

## **UK domestic stricter measures**

### Current arrangements

The UK applies stricter measures for certain species or specimen types where there are conservation or welfare concerns. These measures go beyond standard CITES requirements and are implemented during the application review process. Limited information is available on [Gov.uk](https://www.gov.uk), outlining what specimens are in scope of stricter measures and applicants are encouraged to contact APHA before applying. They currently apply to the following species:

- Tigers (*Panthera tigris*) and any parts or derivatives
- Bears (*Ursidae* spp.) – bile, paws and gall bladders
- Rhinos (*Rhinocerotidae*) and rhino horn

Previously, elephant ivory was subject to stricter measures, but it is now regulated under the [UK Ivory Act 2018](https://www.gov.uk).

While CITES allows Parties to adopt stricter measures under Article XIV(1)(a) of the Convention, the UK has no specific domestic legislation in place to explicitly implement them.

### Challenges with the current approach

The current system can cause confusion for applicants and UK Authorities, particularly around which species are in scope of stricter measures and how decisions are made. This has led to complaints and legal challenges in cases where applications were refused for commercial use of specimens that fall under stricter measures indicating a need for improved clarity and transparency.

### Options for reform

Several options have been considered to improve the clarity and enforceability of UK stricter measures. Bespoke legislation, for example, a standalone law (similar to the Ivory Act 2018), was considered but ruled out at this stage due to the legislative burden and the need for Parliamentary time.

1. **Introduce a legal provision for stricter measures:** Amend [Regulation 865/2006](#) or [COTES 2018](#) to allow the Secretary of State, in consultation with UK CITES Scientific Authorities, to publish a list of species or specimen types, or both, subject to stricter measures. This could include restrictions on the use of derogations (for example Personal Effects and Worked Items) as well as militate against the issuance of a permit for applications in scope.
2. **Additional guidance:** Publish more detailed guidance on GOV.UK to clarify which species are subject to stricter measures and how these are applied in practice. While this would improve transparency it does not require a legislative change.
3. **Do nothing:** Retain the current approach, where stricter measures are applied through internal processes.

**QUESTION 59: Please select your preferred option(s) – you can select multiple options.**

- Option 1** - Introduce a legal provision for stricter measures
- Option 2** - Additional guidance
- Option 3** - Do nothing

**QUESTION 60: Please provide any views or preferences on the options (1-3) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.**

**QUESTION 61:** Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.

**QUESTION 62:** What impact would each option have on your organisation in terms of time, cost, or administrative burden?

	Option 1 – Introduce a legal provision for stricter measures.	Option 2 – Additional guidance.	Option 3 – Do nothing.
Significant increase	■	■	■
Moderate increase	■	■	■
Negligible change	■	■	■
Moderate reduction	■	■	■
Significant reduction	■	■	■

Please explain your answer and provide any estimates or examples.

**QUESTION 63: Do you consider that there is sufficient information currently provided on UK stricter measures to know what species are in scope and what a stricter measure means in practice?**

- Yes
- No

**QUESTION 64: Please outline any other species or specimen types that could be considered for domestic stricter measures.**

## **Revising the criteria for exceptional Port of Entry use**

### Current arrangements

Under the WTRs, all CITES-listed specimens must enter or exit the UK through one of [the 38 designated CITES Ports of Entry \(PoE\)](#). This requirement ensures that UK Border Force can carry out the necessary checks and endorse the relevant CITES documents at these locations.

Port designation typically must be signed off by the Secretary of State ([Art. 12\(1\) of Reg 338.97](#)), however, [Art. 12\(4\) \(Reg. 338/97\)](#) makes provision for the Secretary of State to set out criteria for exceptional circumstances in which the Management Authority could authorise the use of a non-designated port for movement into or out of the UK. No exceptional circumstance criteria are currently in place.

### Challenges with current approach

The absence of defined criteria for exceptional PoE use creates several operational challenges:

- **Delays in decision-making** – Ministerial sign-off can take time, which may be problematic for urgent or time-sensitive movements, particularly involving live animals.
- **Uncertainty for applicants** – Without clear criteria, it is difficult for stakeholders to understand when and how exceptions may be granted.
- **Inflexibility** – The current process lacks the agility needed to respond to conservation-related movements that fall outside standard routes.

Following EU Exit, temporary flexibility was introduced [under Article 45\(a\) of Regulation 865/2006](#). This proposal seeks to formalise a similar mechanism for future use.

#### Options for reform

1. **Option 1:** Amend the WTRs to include a defined set of criteria under which APHA, as UK Management Authority may temporarily designate a non-standard port for a specific shipment. This would remove the need for Ministerial sign-off in urgent cases, provided the following conditions are met:
  - a) Agreement from Border Force that they have the capacity (personnel and facilities) to allow the necessary CITES checks to be undertaken at the proposed port.
  - b) Agreement from the port to be temporarily designated.
  - c) The movement is for non-commercial purposes.
  - d) No existing designated PoE alternative is available.
  - e) The designation will be solely for the requested shipment(s).
  
2. **Option 2:** Do nothing and retain the current approach, where all exceptions require Ministerial sign-off and no formal criteria are set out in the Regulations. This would maintain the status quo.

#### **QUESTION 65: Please select your preferred option.**

- Option 1** – Introduce a set of exceptional use criteria into the WTRs
- Option 2** - Do nothing

**QUESTION 66:** Please provide any views or preferences on the options (1-2) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.

**QUESTION 67:** Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.

**QUESTION 68:** What impact would each option have on your organisation in terms of time, cost, or administrative burden?

	Option 1 – Introduce a set of exceptional use criteria into the WTRs.	Option 2 – Do nothing.
<b>Significant increase</b>	■	■
<b>Moderate increase</b>	■	■
<b>Negligible change</b>	■	■
<b>Moderate reduction</b>	■	■
<b>Significant reduction</b>	■	■

Please explain your answer and provide any estimates or examples.

# CITES implementation

## Amendments to the implementation of Appendix III (Annex C)

### Current arrangements

Appendix III, or “Annex C” in the WTRs, differs from Appendices I and II in that the specimens listed in it can be added by individual countries at any time. A Party may unilaterally list a species in Appendix III to support their own domestic conservation objectives for that species. These listings may apply to all populations of a species or only a specific population for which there is concern (i.e. only the population of the Party that has put forward the listing).

Appendix III listings are often used to improve trade data and assess whether a species may warrant inclusion on Appendix I or II.

CITES [Resolution Conf. 9.25 \(Rev. CoP18\)](#) *Implementation of the Convention for species in Appendix III*, provides further guidance on the implementation of Appendix III, including a table (Annex 2) that outlines when specific provisions apply depending on the origin of trade.

The general requirements in the WTRs for the trade of Annex C specimens differs from the minimum requirements set out in the Convention, namely:

- **For imports into the UK:** an export permit, re-export permit or certificate of origin from the country of (re-)export and a UK import notification are required.
- **For exports from the UK:** an export permit is required.
- **For re-exports from the UK:** a re-export permit is required.

### Challenges with current approach

The requirements for making additions to Appendix III (Annex C) in the UK are not clearly set out and are currently more burdensome than the requirements set out by the Convention. In particular:

- The requirement for a non-detriment finding (NDF) for Appendix III (Annex C) exports exceeds obligations under CITES and may not be proportionate to the conservation risk.
- Import notifications are an additional process and administratively burdensome.
- The current process for updating Appendix III (Annex C) listings requires a new Statutory Instrument each time. This is a resource heavy and slow process.

These issues create unnecessary complexity for traders and regulators and may discourage compliance.

## Options for reform

The following options have been developed to streamline the implementation of Appendix III (Annex C) within the UK WTRs.

1. **Remove NDF requirement for Annex C exports:** Amend [Article 5\(4\) of Reg 338/97](#) to remove the requirement for the UK Scientific Authorities to conduct an NDF for Annex C species. Instead, require only a Legal Acquisition Finding (LAF) as the assessment required prior to the issuance of an export permit to ensure the legal provenance of the specimens. This would align UK practice with Article V of CITES which only requires an export permit from countries where the species is listed on Appendix III, with a certificate of origin adequate for all other countries.
2. **Automatically implement Appendix III amendments:** Amend Regulation 338/97 to include a reference that automatically incorporates global changes to Appendix III into Annex C. This would remove the need for a new Statutory Instrument each time a listing is introduced and provide greater clarity on what is in force in GB as it would avoid the need for temporary reservations.
3. **Digitise import notifications:** Introduce an online system for submitting import notifications for Annex C specimens. This would reduce administrative burden while maintaining real-time data on Annex C imports: This is complementary to option 1, of the Annex D proposal which also proposes moving import notifications online to reduce the burden of completing them.
4. **Remove import notification requirements:** Remove the requirement for import notifications for Annex C specimens. Instead, rely solely on the export documentation from the (re-)exporting country. This is complimentary to options 2 and 3 of the Annex D proposal which also propose removing import notifications for specimens listed on Annex D.
5. **Do nothing:** Retain the existing framework for Appendix III (Annex C) without changes. This would maintain the current level of regulatory oversight.

**QUESTION 69: Please select your preferred option(s) – you can select multiple options.**

- Option 1** - Remove NDF requirement for Annex C exports
- Option 2** - Automatically implement Appendix III amendments
- Option 3** - Digitise import notifications
- Option 4** - Remove import notification requirements
- Option 5** - Do nothing

CTPA supports the digitalisation of import requirements for Annex III species and, where appropriate, the removal of import notification requirements. This approach is consistent with our position in relation to question 15, where CTPA supports the amendment of import permits to an import notification system, to reduce regulatory burdens and streamline processes. Digital systems offer greater efficiency, transparency, and traceability, while also reducing paperwork and administrative overhead for both importers and authorities.

**QUESTION 70:** Please provide any views or preferences on the options (1-5) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.

**QUESTION 71:** Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.

**QUESTION 72:** What impact would each option have on your organisation in terms of time, cost, or administrative burden?

	Option 1 – Remove NDF requirement for Annex C exports.	Option 2 – Automatically implement Appendix III amendments.	Option 3 – Digitise import notifications.	Option 4 – Remove import notification requirements.	Option 5 – Do nothing.
Significant increase	■	■	■	■	■
Moderate increase	■	■	■	■	■
Negligible change	■	■	■	■	■
Moderate reduction	■	■	■	■	■
Significant reduction	■	■	■	■	■

**QUESTION 73:** Do you complete import notifications to import Annex C specimens?

- Yes
- No

(if 'yes', please answer next question and the question after, if no, skip to Question 75)

**QUESTION 74: [If yes to the question above] How long does it take you to complete an import notification per CITES specimen?**

- >5 minutes
- 5-15 minutes
- 15mins – 30 mins
- 1hr+

**QUESTION 75: Do the current UK measures for Annex C factor significantly in whether you trade in these specimens?**

- Yes, it makes it too burdensome so I avoid trade in these specimens
- Yes, it is burdensome to comply but I still trade in these specimens
- No, I am comfortable with the current requirements
- I don't trade Annex C specimens
- Other, \_\_\_\_\_

## **Suspensions Regulation (EC Reg 1587/2019)**

### Current arrangements:

The Suspensions Regulation (Reg 1587/2019) was retained in UK law following EU Exit. It provides for the suspension of imports into the UK of certain species or species-country combinations in response to conservation or welfare concerns outlined in [Art. 4\(6\) of Regulation 338/97](#). These concerns are:

- Where the introduction of that species would have a harmful effect on the conservation status of that species or the extent of territory occupied by the relevant populations; or
- Other factors relating to the conservation of the species which militate against import; or
- Live Annex B specimens of species which have a high mortality rate during transportation or are unlikely to survive in captivity for a considerable proportion of their potential life span, or
- Live specimens of species that present an ecological threat to wild species of fauna and flora.

### Challenges with current approach

The current Suspensions Regulation mechanism is resource-intensive and slow to update. Following EU Exit and with a single set of CITES Authorities in the UK, the mechanism is no longer necessary for ensuring common decision making. This limits the UK's ability to respond quickly to emerging threats or new evidence.

## Options for reform

To improve responsiveness and reduce administrative burden, the following options are proposed:

1. **Amend the framework to enable Secretary of State to directly publish a list of species-country combinations:** Amend [Art. 4\(6\)](#) of Reg 338/97 to enable the Secretary of State, in consultation with the UK Scientific Authorities, to publish a list of species-country combinations, where the issuance of import permits is prohibited, without requiring new regulations. This would align with the UK “negative opinions list” and provide a single published list stating when an import permit is unlikely to be issued.
2. **Remove the grounds for listing contained in sub-paragraphs (c) and (d) in [Art. 4\(6\)](#) of 338/97:** In addition to option 1, amend the framework in [Art. 4\(6\)](#) of 338/97 to remove the grounds for listing contained in sub-paragraphs (c) and (d). These are either challenging in practice to implement (sub-paragraph (c), which requires a determination of the expected level of mortality in transit or captivity) or no longer required as there is now bespoke legislation regulating potentially invasive species (sub-paragraph (d), which relates to the specimens in question posing an ecological risk to GB, for example an invasive non-native species). Neither of these grounds currently forms the basis for any of the listings on the Suspensions Regulation.
3. **Repeal the Suspensions Regulation and rely on negative opinions list:** Repeal the Suspensions Regulation entirely and transfer any species-country combinations to the UK negative opinions list, following a review by the UK Scientific Authorities if concerns remain about the sustainability of these combinations.
4. **Do nothing:** Retain the existing framework for the Suspensions Regulation without changes and maintain the current system as it stands.

**QUESTION 76: Please select your preferred option(s) – you can select multiple options.**

- Option 1** - Amend the framework to enable Secretary of State to directly publish a list of species-country combinations
- Option 2** - Remove the grounds for listing contained in sub-paragraphs (c) and (d) in [Art. 4\(6\)](#) of 338/97
- Option 3** - Repeal the Suspensions Regulation and rely on negative opinions list
- Option 4** - Do nothing

**QUESTION 77: Please provide any views or preferences on the options (1-4) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.**

**QUESTION 78: Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.**

**QUESTION 79: What impact would each option have on your organisation in terms of time, cost, or administrative burden?**

	Option 1 – Amend the framework to enable Secretary of State to directly publish a list of species-country combinations.	Option 2 – Remove the grounds for listing contained in sub-paragraphs (c) and (d) in <a href="#">Art. 4(6)</a> of 338/97.	Option 3 – Repeal the Suspensions Regulation and rely on negative opinions list.	Option 4 – Do nothing.
Significant increase	■	■	■	■
Moderate increase	■	■	■	■
Negligible change	■	■	■	■
Moderate reduction	■	■	■	■
Significant reduction	■	■	■	■

Please explain your answer and provide any estimates or examples.



## Grounds for application refusal

### Current arrangements

When assessing applications for CITES permits, UK CITES Authorities are required to apply three main tests, as set out in the WTRs:

- 1) Legal Acquisition Finding (LAF) - an assessment of the legality of the specimen(s) in question;
- 2) Non-Detriment Finding (NDF) - an assessment of the sustainability of the specimen(s) in question;
- 3) Conservation considerations - an assessment of any other **conservation** factors that would militate against the issuance the request permit.

### Challenges with current approach

The current legislative framework does not permit UK CITES Authorities to consider other relevant domestic or international policy factors when deciding whether to issue a permit. For example, if a specimen is subject to trade [sanctions](#) (measures designed to prohibit or apply additional tariffs to trade to or from the UK to achieve UK policy objectives), but passes LAF and NDF tests, there may be no legal basis to refuse a permit – even if it was incompatible with government policy. This creates a risk of issuing a permit that cannot be used lawfully. It also introduces compliance risks for both the applicant and the issuing authority.

### Options for reform

1. **Introduce an additional ground for refusal:** Amend [Articles 4\(1\)](#) and [5\(2\)](#) of Reg 338/97 to include an explicit reference to other relevant government policies, legislation, or prohibitions. This would allow UK CITES Authorities to refuse a permit where its issuance would conflict with broader legal or policy frameworks (for example sanctions, biosecurity restrictions, or international obligations).
2. **Broaden the scope of existing provisions:** Amend the wording of [Article 4\(1\)\(e\)](#) and [Article 5\(2\)\(d\)](#) to allow for a wider set of considerations to be factored in under the existing “other factors” test without introducing a new provision.

3. **Do nothing:** Retain the current framework, where permit decisions are based solely on legality, sustainability, and conservation factors. This would maintain the status quo.

**QUESTION 80: Please select your preferred option(s) – you can select multiple options.**

- Option 1** - Introduce an additional ground for refusal
- Option 2** - Broaden the scope of existing provisions
- Option 3** - Do nothing

**QUESTION 81: Please provide any views or preferences on the options (1-3) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.**

**QUESTION 82: Please outline the current cost to your business, both financially and administratively, of the current controls providing data where possible.**

**QUESTION 83: What impact would each option have on your organisation in terms of time, cost, or administrative burden?**

	Option 1 – Introduce an additional ground for refusal.	Option 2 – Broaden the scope of existing provisions.	Option 3 – Do nothing.
<b>Significant increase</b>		■	■
<b>Moderate increase</b>		■	■
<b>Negligible change</b>		■	■
<b>Moderate reduction</b>		■	■
<b>Significant reduction</b>		■	■

Please explain your answer and provide any estimates or examples.

### **Cross cutting questions for all proposals in Part Two**

We will develop an impact assessment to analyse and, where possible, quantify the expected impact of the reform package. The questions below are being asked to test some of the assumptions that will be used in this analysis.

- *Familiarisation with the proposed changes*  
The time taken for each business or individual trader to familiarise with the potential changes to the legislation proposed has been assumed to be between 1 – 10 hours. Guidance will accompany any changes to the regulations.

**QUESTION 84: Do you have any comments on this assumption?**

**QUESTION 85: Do you expect any of the proposals (or options underneath them) to change your trade behaviour? Please provide any comments on specific proposals.**

- Yes - increase my trade activity
- Yes - decrease my trade activity
- No change to my trade activity

**QUESTION 86: Please provide an estimate of expected time savings from any of the proposals outlined above. Please specify which proposal and options you are referring to.**

# Part three: proposed amendments to the CITES fees and charges framework

## Background

Fees are charged for current CITES permits and certificates so that providing this service is financially sustainable and paid for by service users rather than out of general taxation. Fees for CITES licencing were last consulted on in 2012 with updated fees being implemented in 2013. The intention, at that time, was to bring CITES to Full Cost Recovery (“FCR”), alongside other schemes proposed within the 2013 legislation. CITES has not yet reached FRC, but this is proposed in the options set out in this part of the consultation.

Additionally, it is proposed to simplify the fees and charges framework to fully automate charging as part of the new online licencing system (Pegasus) and realise further efficiencies. This includes removing the £1.50 fee for additional permits or certificates, the implementation of which is not compatible with full automation of payments.

APHA currently receives fee income (£1.15 million in 2024-25) for statutory services delivered to customers relating to CITES. The deficit in 2024-25 was approximately £2.4 million (to reach FCR). This is increasing every year due to inflationary pressures and an increase in permits and certificates since the UK left the EU. Without revisions to the CITES fees and charges this shortfall will be funded by general taxation.

Fees are presently set out in [The Control of Trade in Endangered Species \(Fees\) Regulations 2009](#) (as amended), and we will be using the powers conferred by section 56(1) and (2) of the Finance Act 1973(a) with the consent of the Treasury to amend these.

APHA has developed new fee schedules that would deliver FCR following the cost recovery principles of the [Managing Public Money](#) guidelines. The intended approach is to more regularly review the costs of delivering the CITES service so that the fees applied reflect any increases or decreases to these costs. However, fees would not be revised more than once every 2 years to provide some stability for customers.

We recognise that Musical Instrument Certificates in particular are used by touring musicians to take their instruments around the world, including the EU, to perform. Helping touring artists operate across Europe remains a manifesto commitment of this government. We are using this consultation to seek views from all CITES permit users to ensure cost recovery is fair and proportionate.

## Proposed amendments

To support the simplification of fees and move to FCR, two options have been prepared for consultation:

1) Charge a common fee to all **permits** and **certificates** issued.

2) Charge a common fee to **applications** of all types.

In both options we will be replacing the existing fee structure with a single standard permit or application fee. The fee amounts stated for each of these options are based on the current permitting and regulatory regime and should be treated as provisional. They do not factor in the effect of the reform proposals described in Part 2 of this consultation. Once a final package of reforms has been agreed the fees will be re-calculated.

The following information should be taken into account when considering the fee options:

1. The fees will be set to reach FCR.
2. The £1.50 fee for additional permits or certificates in an application will be removed and incorporated into the common fee value. However, a fee for duplicates or copies of existing permits and certificates will be retained (in the region of £5.00).
3. For option 1, the charged fee corresponds to each permit or certificate applied for and not to each application. This would also apply for composite items, so that if a product contains more than one CITES species that requires a permit or certificate, a fee will be applied to each of those components separately.
4. Fees for movements between GB and NI or NI and GB will be waived.
5. Musical Instrument Certificates (“MICs”) are proposed for inclusion in the fee schedule (Schedule 1 of the Animal Health (Miscellaneous Fees) [Regulations 2013](#)).
6. Registration of Appendix I captive breeding facilities and scientific institutions will remain as they currently are and charged for per application.

There are approximately 3,000 CITES customers based on CITES information for the financial year 2024-25. This is the expected stakeholder group that will be affected by these changes.

### **Options for future CITES fees and charges**

Two options are presented to implement FCR. *Please note, the figures presented may be subject to change.*

- **Option 1: Flat fees for all permits and certificates.** This is the preferred option. This flat rate would be calculated to achieve FCR and incorporate costs currently met via the use of the £1.50 additional permit charge.
- **Option 2: Flat fees for all applications.** This flat rate would be applied to applications. In this context an application is proposed to be defined as *one request for one or more permits or certificates applied for at the same time within one submission* and set at a level to achieve FCR.

### **Option 1 – Flat fees for all permits and certificates (preferred option)**

This option will introduce a flat fee for all permits and certificates, simplifying the charging framework and removing the £1.50 charges.

The current common fee per permit or certificate issued has been calculated at £61 for all permits and certificates.

Applications for CITES registration for Appendix I captive breeding facilities and scientific institutions would be calculated using quarter hour rates and where necessary any through costs, for example inspections, to reflect the variable time required for these applications.

The advantage of using this flat rate is that it is simple to understand and implement as the charge contain no variables. This is the preferred option.

The calculation used to arrive at the per permit or certificate cost is set out below:

<b>Expenditure declared in 2024-25 Financial Accounts, upped to include the costs relating to the waived fees</b>	<b>3,733,061</b>
<b>Divided by the number of permits issued in 2024-25 as per Pegasus data.</b>	<b>61,288</b>
<b>Fee per permit</b>	<b>£60.91 rounded to £61.00</b>

## **Option 2 – Flat fees for all applications**

This Option will introduce a flat fee for all applications either including or excluding CITES registrations. This would also remove the £1.50 charges that require manual calculation but would recognise the variable number of permits that may be included in each application.

Current estimates indicate this common fee per application would be in the region of £200 for all permits and certificates.

The calculation used to arrive at the per application cost is set out below:

<b>Expenditure declared in 2024-25 Financial Accounts, upped to include the costs relating to the waived fees</b>	<b>3,733,061</b>
<b>Divided by the number of applications issued in 2024-25 as per Pegasus data.</b>	<b>18,644</b>
<b>Fee per application</b>	<b>£200.22 rounded to £200</b>

The behavioural impact of this option is uncertain, and it may lead to changes in how applicants bundle their submissions and is likely to disadvantage applicants who typically apply for smaller quantities or numbers of permits.

## Summary of the fee changes for each option

Chargeable activity	Current fees (Animals)	Current fees (Plants)	Option 1 Flat fees for all permits or certificates (Preferred)	Option 2 Flat fees for all applications
Certificate of Origin issued under Article 4(3)(b) of the Council Regulation	£ 31	£ 31	£ 61	£ 200
Commercial Use Certificate issued under Article 10, in accordance with Article 8 of the Council Regulation	£ 31	£ 31	£ 61	£ 200
Export permit issued under Article 10, in accordance with Article 5 of the Council Regulation	£ 63	£ 74	£ 61	£ 200
Re-export certificate issued under Article 10, in accordance with Article 5 of the Council Regulation	£ 37	£ 59	£ 61	£ 200
Movement Certificate issued under Article 10, in accordance with Article 9 of the Council Regulation	£ 88	£ 88	£ 61	£ 200
Pre-issued export permit issued under Article 18 of the Commission Regulation	£ 44	£ 59	£ 61	£ 200
Pre-issued export permit issued under Article 19 of the Commission Regulation	£ 44	£ 59	£ 61	£ 200
Import Permit issued under Article 4 of the Council Regulation	£ 67	£ 74	£ 61	£ 200
Pre-issued export permit issued under Article 18 of the Commission Regulation	£ 72	£ 74	£ 61	£ 200
Pre-issued export permit issued under Article 19 of the Commission Regulation	£ 72	£ 74	£ 61	£ 200
Pre-issued export permit issued under Article 29 of the Commission Regulation (nursery permits)	£ 72	£ 74	£ 61	£ 200
Personal Ownership Certificate issued under Article 37 of the Commission Regulation	£ 74	£ 74	£ 61	£ 200
Sample collection certificate issued under Article 44a of the Commission Regulation	£ 74	£ 74	£ 61	£ 200
Travelling Exhibition Certificate issued under Article 30 of the Commission Regulation	£ 74	£ 74	£ 61	£ 200
Scientific institution certificate issued under Article 60 of the Commission Regulation	£ 146	£ 195	£ 390	£ 390
CITES Registration of App I captive breeding facilities	£ 221	£ 221	£ 497	£ 497

**QUESTION 87: Please select your preferred option.**

- Option 1:** Flat fees for all permits and certificates
- Option 2:** Flat fees for all applications

CTPA supports option 1, an introduction of a flat fee for all permits and certifications. This is because a flat fee simplifies the fee structure for businesses and reduces administrative burden for the authorities. The proposed fixed fee reduces the current cost of the permits most frequently used by the cosmetics industry (import and export permits).

CTPA notes that the final fee structure and detail will depend upon the reforms proposed elsewhere in the consultation, so the industry’s view on the preferred option for amendments to the fees framework may change if the reforms would remove the above-identified benefits of option 1.

**QUESTION 88: Please provide any views or preferences on the options (1 and 2) described, including if there are multiple options you think could work in parallel, or if you have any alternative proposals.**

**QUESTION 89: What would you estimate the annual financial impact of the two options on your business or CITES activity relative to the current CITES fees?**

	Option 1 – Flat fees for all permits and certificates.	Option 2 – Flat fees for all applications.
More than £500 savings	■	■
Less than £500 savings	■	■
No substantial impact	■	■
Less than £500 additional costs	■	■
More than £500 additional costs	■	■

**QUESTION 90: Please outline any wider impacts on your activity you expect from the proposed options.**

**QUESTION 91: If your business were to experience an increase in permit fees, what percentage of increased fee costs do you expect to pass on to consumers?**

- 0-10%
- 11-50%
- 51-90%
- 90-100%

**QUESTION 92: Are there transitional measures that would help to mitigate the negative impact of increased fees on your business?**

- Yes
- No
- Unsure

**QUESTION 93: Please outline what transitional measures would be beneficial and explain how these would be beneficial. Please include data or figures where possible.**

## Part four: draft Statutory Guidance for COTES civil sanctions

COTES 2018 introduced a range of civil sanctions to support the enforcement of two specific provisions:

1. Incorrect packaging and labelling of caviar ([Articles 64\(2\), 66\(6\) and 66\(7\) of Reg 865/2006](#)), and
2. The advertising for sale of an Annex A specimens without displaying the commercial use (Article 10) certificate number ([Regulation 6](#) of COTES 2018).

The civil sanctions available to enforce these two provisions are contained in Schedule 2 of COTES 2018:

1. Stop notices
2. Variable monetary penalties
3. Enforcement undertakings

These civil sanctions are intended to provide a proportionate and flexible enforcement mechanism that encourages compliance, mitigating damage from non-compliant activity and proportionate punishment for non-compliance. A draft guidance document (Annex A) has been prepared setting out the decision-making framework for applying civil sanctions, the circumstances in which sanctions may be used and the risk of harm matrix used by APHA to calculate the level of any monetary penalty.

In addition, administrative guidance will be published to support practical compliance, particularly in relation to Regulation 6, which was a new requirement introduced by COTES 2018. This guidance will be provided prior to the introduction of civil sanctions for the enforcement of CITES non-compliance.

**QUESTION 94: Does the draft guidance provided in Annex A explain how civil sanctions will be used once introduced?**

- Not at all
- A little
- Adequately
- Quite well
- Comprehensively

**QUESTION 95:** Please outline any other aggravating or mitigating factors that should be considered for inclusion in the scale of harm matrix.

**QUESTION 96:** Please outline any additional types of non-compliance that should be considered for inclusion under the expansion of CITES related civil sanctions? If so, please note them below.

**QUESTION 97:** The issuance of civil sanctions will adhere to the [Defra enforcement policy statement](#) principles of proportionality, consistency, transparency and targeting. In addition to publishing Statutory guidance, please outline any additional methods that Defra could employ to assure the public that Defra is acting in line with these principles? Guidance on Gov.uk will be published on how to achieve compliance.

**QUESTION 98:** Do you have any other comments on the approach to using civil sanctions set out in the draft guidance in Annex A?

# **Annex A: Draft statutory guidance for COTES civil sanctions**



Department  
for Environment  
Food & Rural Affairs

## **Control of Trade in Endangered Species Regulations (COTES) 2018**

### **Statutory guidance on the use of civil sanctions under COTES 2018**

**September 2025 - DRAFT**



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[www.gov.uk/defra](http://www.gov.uk/defra)

## Glossary

**Annex:** In this context, typically referring to the [Annexes to Regulation 338/97](#) which list CITES covered by the controls in the UK Wildlife Trade Regulations. These Annexes broadly align with the CITES Appendices, i.e. Annex A approximates Appendix I, Annex B approximates Appendix II and Annex C approximates Appendix III. Annex D does not have a CITES Appendix counterpart.

**App or Appendix:** The species covered by CITES are listed in [three Appendices](#) (App I, App II and App III), according to the degree of protection they need.

**APHA:** The Animal and Plant Health Agency, the UK's CITES Management Authority.

**Assimilated law:** The body of law, originating in the UK's membership of the EU, which was assimilated into domestic UK law on 1 January 2021- see s.6(7) EU Withdrawal Act 2018. This includes the UK Wildlife Trade Regulations.

**CITES:** Convention on International Trade in Endangered Species of Wild Fauna and Flora (sometimes referred to as the Washington Convention).

**COTES:** Control of Trade in Endangered Species Regulations (COTES) 2018 (S.I.2018/703). This is CITES implementing legislation.

**EU:** European Union

**EU WTRs:** [EU Wildlife Trade Regulations](#), directly-applicable law that implements CITES in EU Member States and Northern Ireland under the UK-EU Withdrawal Agreement.

**MA:** Management Authority, the body responsible for domestic CITES implementation in its country. Defra CITES policy team and APHA's Centre for International Trade, Bristol jointly act as the UK MA.

**REUL:** Retained EU Law, the name given to the body of assimilated law between 1 January 2021 and 31 December 2023. The name was changed, without affecting the content, on 1 January 2024 – see s.5 Retained EU Law (Revocation and Reform) Act 2023.

**REUL Act:** The Retained EU Law (Revocation and Reform) Act 2023, which addresses the status of REUL and provides powers for its amendment or revocation.

**UK MA:** UK Management Authority for CITES.

**UK WTR:** UK Wildlife Trade Regulations – the umbrella term for both assimilated legislation and GB originating legislation post-EU Exit, which includes [Regulation \(EC\) No 338/97 of 9 December 1996 on the protection of species of wild fauna and flora by regulating trade therein](#), [Commission regulation \(EC\) No 865/2006 of 4 May 2006 laying down detailed rules concerning the implementation of Council Regulation \(EC\) No 338/97](#)

*on the protection of species of wild fauna and flora by regulating trade therein* and the [Control of Trade in Endangered Species \(COTES\) Regulations 2018](#).

**VMP:** Variable Monetary Penalty. A penalty monetary fine for non-compliance, to remove illicit financial benefit (either through gain or cost avoidance).

## Scope and commencement of this guidance

This guidance relates to the use of civil sanctions in the circumstances outlined under Schedule 2 of the Control of Trade in Endangered Species Regulations 2018 (“COTES 2018”)<sup>4</sup>. These regulations apply across the United Kingdom.

COTES 2018 implements the requirements of Council Regulation (EC) No 338/97 of 9 December 1996 *on the protection of species of wild fauna and flora by regulating trade*, (the EU Wildlife Trade Regulations<sup>5</sup> in Northern Ireland and the assimilated UK Wildlife Trade Regulations<sup>6</sup> in Great Britain) by providing an enforcement framework for non-compliance with the Wildlife Trade Regulations (“WTRs”).

This guidance applies to anyone who deals in CITES listed specimens, which includes:

- any member of the public
- businesses and their employees, such as a director, manager, partner or secretary
- members of an organisation where the members manage its functions
- people who want to import or export CITES listed specimens into and out of the UK(GB)

As per Schedule 2 of COTES 2018, civil sanctions for CITES species are used where:

1. an [Annex A](#) specimen is advertised without display of its valid Article 10 certificate number [Regulation 6 of COTES 2018]; and
2. for the incorrect packaging and labelling of caviar [Articles 64(2), 66(6) and 66(7) of EC regulation 286/2006].

This guidance does not affect the application of penalties under COTES 2018 included in Schedule 1 which will continue to be enforced as criminal offences.

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<sup>4</sup> <http://www.legislation.gov.uk/ukxi/2018/703/contents/made>

<sup>5</sup> [http://ec.europa.eu/environment/cites/legislation\\_en.htm](http://ec.europa.eu/environment/cites/legislation_en.htm)

<sup>6</sup> <https://www.legislation.gov.uk/ukxi/2020/1395/contents/made>

The above two cases of non-compliance may only be enforced through civil sanctions because they are not listed in Schedule 1 of COTES 2018, so criminal sanctions are not available in these cases.

The enforcement policy outlined in this guidance will come into force [3 months] after the publication of the final draft.

## 2. Enforcement principles for areas of non-compliance under COTES 2018

Together the Department for Environment, Food and Rural Affairs (Defra) and the Animal and Plant Health Agency (APHA) constitute the UK CITES Management Authority. For the purposes of COTES 2018, APHA is the regulatory body. In their role as the regulator, APHA endeavours to follow the principles set out in the Regulator's Code<sup>7</sup> and to act proportionately.

Civil sanctions will be enforced in line with Defra's Enforcement Policy Statement<sup>8</sup>. The Policy Statement outlines guiding principles on proportionality, consistency, transparency and targeting.

Use of civil sanctions under COTES 2018 is intended to stop illegal activity from occurring or continuing by taking proportionate action against those responsible for non-compliance with CITES legislation and deter future illegal activity.

The civil sanction issued will depend on the seriousness, circumstances, nature (type, intent and scale) and impact of the non-compliance and what can be done to rectify it.

The type of civil penalty will depend on a range of factors, including:

- the sale value, where applicable
- whether the perpetrator is an individual or a business
- how culpable the perpetrator is
- how frequently an offence or non-compliance under COTES 2018 has been committed
- the intent to deceive
- making sure the instance of non-compliance does not continue
- the expected effect on future compliance

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<sup>7</sup> <https://www.gov.uk/government/publications/regulators-code>

<sup>8</sup> <https://assets.publishing.service.gov.uk/media/5a80160340f0b623026916cf/defra-enforcement-policy-statement-2015.pdf>

Civil sanctions are proportionate to the instance of non-compliance and are intended to:

1. address the non-compliance in good time;
2. minimise the likelihood of future non-compliance;
3. reduce any harm associated with the non-compliance; and
4. enable escalating enforcement to secure compliance.

Where a minor breach has been committed, in cases where that breach can be easily rectified, APHA may advise on the steps that need to be taken in order to return to full compliance with the Regulations. For example, if an administrative error was made on a single occasion, APHA may advise that the error should be corrected. This action would not prevent APHA from applying civil sanctions in the future for a similar or ongoing breaches where they have not been rectified following the advice provided, or in cases where evidence obtained at a later stage shows the breach was more serious than initially thought.

If written advice is provided by APHA, it will be issued in the form of an advisory letter and will be kept on file for seven years. APHA will keep official records of non-compliance history for seven years.

Our objective is to support compliance with the regulations through advice and education. If you require any or further information on CITES regulations or applications, contact: [wildlife.licensing@apha.gov.uk](mailto:wildlife.licensing@apha.gov.uk)

### 3. What are civil sanctions?

Civil sanctions are a range of enforcement tools that can be used when people do not comply with regulations, each is a different method of enforcement with a different process and penalty as set out in Schedule 2 of COTES 2018. They ensure there is proportionate recourse for a range of non-compliant activity.

In civil cases, the burden of proof rests with the claimant and the standard of proof required is that the case against the defendant is proved “on a balance of probability”. This means that APHA, as the UK CITES Regulator, would need to be satisfied that it is more likely than not that the non-compliance had occurred based on the available evidence.

Examples of enforcement tools are enforcement undertakings, stop notices and variable monetary penalties (“VMPs”), all of which will be available for use under COTES 2018 to create an effective deterrent framework.

Any changes to the civil sanctions regime under COTES 2018 will be preceded by consultation and accompanied by guidance as required by Schedule 2 of COTES 2018.

## 4. Civil sanctions to be used under COTES 2018

Enforcement undertakings, stop notices and Variable Monetary Penalties (“VMPs”) will be used in response to non-compliant activities listed in Section 1 of this guidance.

- An enforcement undertaking is a voluntary measure that enables an agreement to be made between the parties to remedy the non-compliance and stop it reoccurring. The measures can be suggested by APHA or the non-compliant person/ organisation.
- A stop notice will be considered for ongoing non-compliance, for example. for a live advert to sell an Annex A specimen without including the corresponding Article 10 certificate number.
- VMPs will be considered where the non-compliant activity has been concluded, for example the completion of a sale in which the relevant Article 10 or EC permit number was not appropriately displayed.

For each individual or company, a historical record of civil sanctions issued under COTES 2018 will be held for seven years from when the case was closed by the MA. If no further offending comes to the attention of the MA, after seven years, historic cases of non-compliance that have been dealt with by a way of a civil sanction will not be considered as a relevant factor as part of new non-compliance civil sanctions cases.

### Enforcement Undertakings

If APHA have reasonable grounds to suspect non-compliant activity has occurred, an enforcement undertaking may be offered to the non-compliant person/organisation to put it right.

An enforcement undertaking is an agreement made between APHA and the non-compliant person or organisation to take specific action within a specified time period to:

- stop the non-compliance at the earliest opportunity;
- restore what would have been if the non-compliance had not been committed, where this is possible;
- make sure the instance of non-compliance does not continue to occur or happen again.

A written notice sent to the non-compliant person or organisation must be replied to within 28 days from the date of issuance by APHA.

Information contained in an enforcement undertaking must include:

1. the date when the non-compliance stopped, or when it will stop (whichever is the earliest),
2. details of each action or step to be taken,
3. the date when each action or step will be completed and how this will be evidenced.

Enforcement undertakings are more likely to be offered where willingness to repair the damage has been shown, for example if the money earned from selling the item has been repaid or the non-compliance has ceased.

If a breach of the requirements of COTES 2018 is notified to APHA, an enforcement undertaking can be proposed when bringing the non-compliance to the attention of APHA.

Proposals will be considered on a case-by-case basis and APHA have the discretion to either accept or reject an offer of an enforcement undertaking. They will aim to make a decision on whether to accept an enforcement undertaking within [28 days] of receiving a proposal. However, the decision may take longer than this if it is necessary to gather further information to allow APHA to make a fully informed decision.

## **Stop notices**

A stop notice is a formal compliance notice that requires the person or organisation to whom it is issued to immediately stop the activity concerned. It remains in force until the required actions set out in the notice are completed. A stop notice means the identified activity must immediately cease and will contain the steps which an individual or organisation must take to comply with the notice and the timeframe to do so.

The stop notice process is set out in Figure 1, including the right to appeal.

A stop notice will be considered when non-compliance with the regulations is identified, and this non-compliance is ongoing, for example when a sale is identified that has not yet been completed.

A stop notice contains:

- the grounds for serving the notice;
- the activity which is prohibited;
- the steps which the person must take to comply with the notice and the timeframe for completion;
- the right of appeal;
- the consequences of failing to comply with the notice.

The restrictions specified by the stop notice cease if the conditions set out in the stop notice have been fulfilled by the non-compliant individual within the specified timeframe.

APHA require that sufficient evidence is submitted to them by the subject of the stop notice to demonstrate fulfilment of the conditions of the stop notice in the specified timeframe.

APHA will issue a completion certificate once they are satisfied that the stop notice has been complied with in full.

A stop notice will stay in force until all of the required actions have been completed and a completion certificate issued. After the actions specified in the stop notice have been completed, a completion certificate may be requested at any time.

APHA expect a completion certificate to be applied for within 28 days of completing the actions needed or by the date specified in the stop notice, if this is later.

To request a completion certificate, the “Stop Notice Completion Certificate” form must be used. APHA will send this form together with the other documents that are part of the stop notice.

APHA will decide within 14 days from the date they receive an application whether or not to issue a completion certificate and they will provide this decision in writing.

Not adhering with the conditions of a stop notice can or may result in prosecution.

### **Completion certificate accepted**

If APHA is satisfied the stop notice has been complied with, they will issue a completion certificate. Once a completion certificate has been received, the stop notice will no longer apply.

### **Completion certificate declined**

If, following consideration of the evidence, APHA decide not to issue a completion certificate, there is a right to appeal. This right to appeal will be explained alongside the decision.

### **Variable Monetary Penalties (“VMPs”)**

A VMP is a notice requiring the payment of a fine of an amount up to the statutory maximum levels as determined by APHA. A VMP may be the more appropriate option where previous civil sanctions have failed to secure compliance.

If a VMP is considered the best option to address the non-compliance in question, a notice of intent will be served initially to allow the recipient to provide written representations as to why the VMP should not be issued within 28 days from receipt of the notice of intent. Following consideration of the representations, APHA may decide to withdraw the notice of intent or proceed with issuance of the final notice.

The level of fine imposed is at the discretion of APHA and will be determined in accordance with a sliding scale which is based on aggravating factors. The factors to be considered when determining the level of fine include, but are not limited to:

- the value of the non-compliant sale;
- the seriousness of the non-compliance, including the level of threat faced by the relevant species, the number of specimens offered for sale, and whether this is a repeat non-compliance;
- the nature of the organisation or individual responsible for the non-compliance including the volume of CITES-listed trade conducted by them.

There may be additional relevant factors which are specific to the individual circumstances of the non-compliant action. If this is the case, these factors will be set out in the notice.

The enforcement process for VMPS, including the right for appeal, is shown in Figure 2.

## 5. Appeals process

Schedule 2 of COTES 2018 gives the recipient of a stop notice or VMP the right of appeal on the following grounds:

- a) that the decision to serve the stop notice or final notice was based on an error of fact;
- b) that the decision was wrong in law;
- c) that the decision was unreasonable (including the amount of the penalty for VMPs);
- d) that any step specified in the notice is unreasonable;
- e) that the person has not contravened a relevant regulation or for stop notices would not have contravened it had the stop notice not been served.

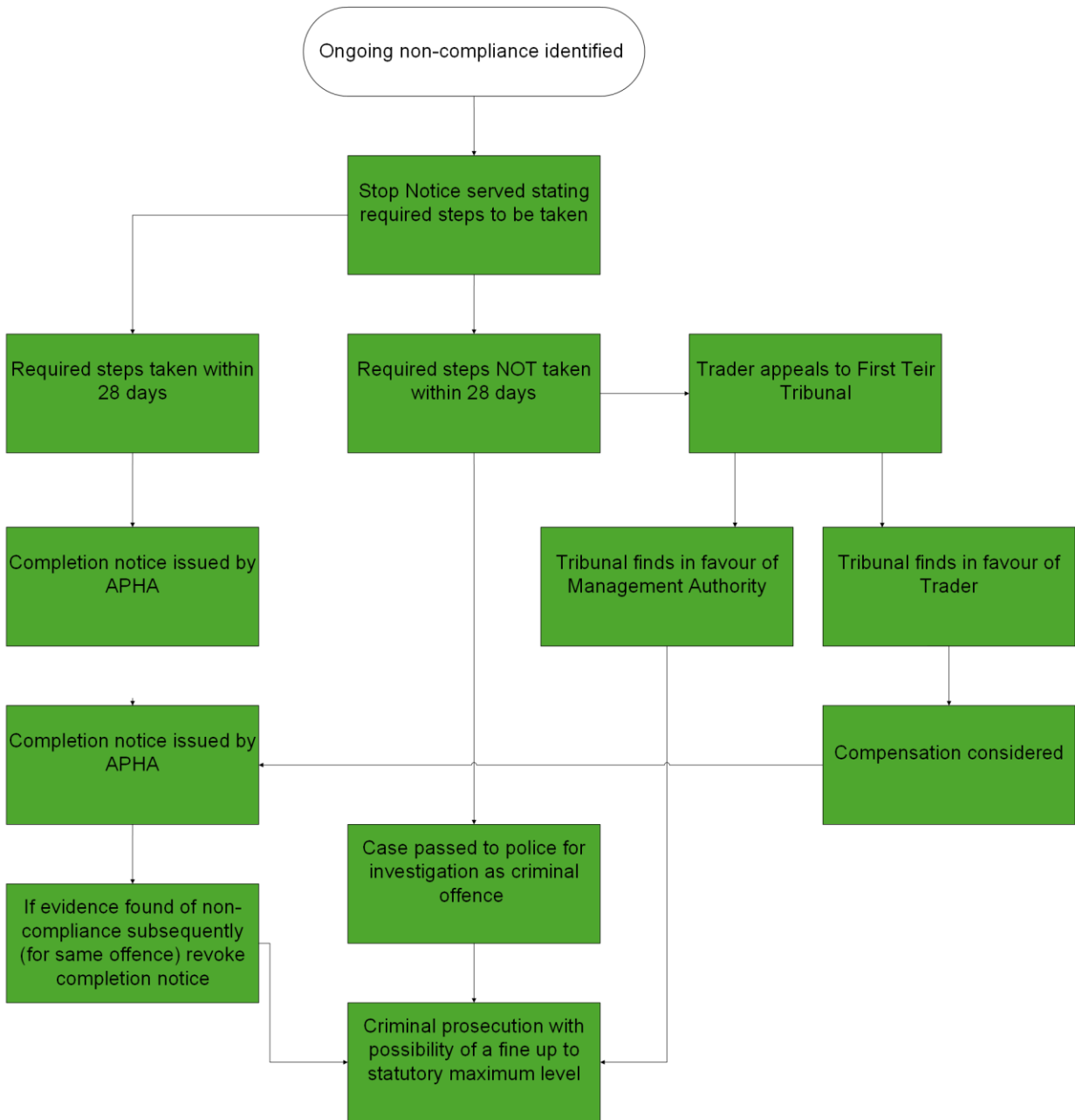
Appeals are to be made to the General Regulatory Chamber of the First Tier Tribunal within six weeks of the service of the stop notice or final VMP notice. Guidance on how to lodge an appeal is found here: <https://www.gov.uk/guidance/environmental-fines-or-notices-appeal-against-a-regulator>.

### Compensation

For stop notices only, Schedule 2 of COTES 2018 places a responsibility on APHA to compensate the recipient of a stop notice for loss incurred due to the service of the stop notice if the stop notice was unreasonable (as per the grounds for appeal) or the First-tier Tribunal finds in favour of the appellant for either the service of a stop notice or the decision to not issue a completion certificate.

The decision not to award compensation or the value of compensation awarded can be appealed as above.

# Figure 1 – Stop Notice flowchart



## Figure 2 – Variable Monetary Penalty flowchart

