

**U.S. Fish and Wildlife Serv., Interior**

**§ 23.25**

(2) The certificate is used only when all the following conditions are met:

(i) The plants are being exported, not re-exported.

(ii) The plants are Appendix-II species, or are hybrids of one or more Appendix-I species or taxa that are not annotated to include hybrids.

(iii) The plants were artificially propagated in the exporting country.

(3) The certificate contains the following information:

(i) The scientific name of the species, including the subspecies when needed to determine the level of protection of the specimen under CITES, using standard nomenclature as it appears in the CITES Appendices or the references adopted by the CoP.

(ii) The type (such as live plant or bulb) and quantity of the specimens authorized in the shipment.

(iii) A stamp, seal, or other specific indication stating that the specimen is artificially propagated (see § 23.64).

**§ 23.24 What code is used to show the source of the specimen?**

The Management Authority must indicate on the CITES document the source of the specimen using one of the following codes, except the code "O" for pre-Convention, which should be used in conjunction with another code:

Source of specimen	Code
(a) <i>Artificially propagated plant</i> (see § 23.40): (1) An Appendix-II or -III artificially propagated specimen. .... (2) An Appendix-I plant specimen artificially propagated for noncommercial purposes or certain Appendix-I hybrids (see § 23.42) propagated for commercial purposes. ....	A
(b) <i>Bred-in-captivity wildlife</i> (see § 23.41): (1) An Appendix-II or -III specimen bred in captivity. (See paragraph (d)(1) of this section for wildlife that does not qualify as bred in captivity.) .... (2) An Appendix-I specimen bred for noncommercial purposes. (See paragraph (c)(1) of this section for an Appendix-I specimen bred for commercial purposes.) ....	C

Source of specimen	Code
(c) <i>Bred in captivity or artificially propagated for commercial purposes</i> (see §§ 23.46 and 23.47): (1) An Appendix-I wildlife specimen bred in captivity for commercial purposes at an operation registered with the Secretariat. .... (2) An Appendix-I plant specimen artificially propagated for commercial purposes at a nursery that is registered with the Secretariat or a commercial propagating operation that meets the requirements of § 23.47. ....	D
(d) <i>Captive-bred wildlife</i> (§ 23.36): (1) An Appendix-II or -III wildlife species that is captive-bred. .... (2) An Appendix-I wildlife species that is one of the following: ..... (i) Captive-bred. .... (ii) Bred for commercial purposes, but the commercial breeding operation is not registered with the Secretariat. ... (iii) Bred for noncommercial purposes, but the facility does not meet the definition in § 23.5 because it is not involved in a cooperative conservation program. ....	F
(e) <i>Confiscated or seized specimen</i> (see § 23.78).	I
(f) <i>Pre-Convention specimen</i> (see § 23.45) (code to be used in conjunction with another code).	O
(g) <i>Ranched wildlife</i> (wildlife that originated from a ranching operation).	R
(h) <i>Source unknown</i> (must be justified on the face of the CITES document).	U
(i) <i>Specimen taken from the wild</i> : (1) For wildlife, this includes a specimen born in captivity from an egg collected from the wild or from wildlife that mated or exchanged genetic material in the wild. .... (2) For a plant, it includes a specimen propagated from a propagule collected from a wild plant, except as provided in § 23.64. ....	W

**§ 23.25 What additional information is required on a non-Party CITES document?**

(a) *Purpose.* Under Article X of the Treaty, a Party may accept a CITES document issued by a competent authority of a non-Party only if the document substantially conforms to the requirements of the Treaty.

(b) *Additional certifications.* In addition to the information in § 23.23(c) through (e), a CITES document issued

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by a non-Party must contain the following certifications on the face of the document:

Activity by a non-Party	Certification
(1) Export	(i) For Appendix-I and -II specimens, the Scientific Authority has advised that the export will not be detrimental to the survival of the species. (ii) The Management Authority is satisfied that the specimen was legally acquired.
(2) Import	For Appendix-I specimens, the import will be for purposes that are not detrimental to the survival of the species.

**§ 23.26 When is a U.S. or foreign CITES document valid?**

(a) *Purpose.* Article VIII of the Treaty provides that Parties take appropriate measures to enforce the Convention to prevent illegal trafficking in wildlife and plants.

(b) *Original CITES documents.* A separate original or a true copy of a CITES document must be issued before the import, introduction from the sea, export, or re-export occurs, and the docu-

ment must accompany each shipment. No copy may be used in place of an original except as provided in § 23.23(e)(3) or when a shipment is in transit (see § 23.22). Fax or electronic copies are not acceptable.

(c) *Acceptance of CITES documents.* We will accept a CITES document as valid for import, introduction from the sea, export, or re-export only if the document meets the requirements of this section, §§ 23.23 through 23.25, and the following conditions:

Key phrase	Conditions for an acceptable CITES document
(1) Altered or modified CITES document	The CITES document has not been altered (including by rubbing or scratching out), added to, or modified in any way unless the change is validated on the document by the stamp and authorized signature of the issuing Management Authority, or if the document was issued as a partially completed document, the Management Authority lists on the face of the document which blocks must be completed by the permit holder.
(2) Annual reports .....	The Party issuing the CITES document has submitted annual reports and is not subject to any action under Article VIII paragraph 7(a) that would not allow trade in CITES species.
(3) CITES document .....	U.S. and foreign CITES documents must meet the general provisions and criteria in subparts C and E.
(4) Conditions .....	All conditions on the CITES document are met.
(5) Convention implementation .....	The Party issuing the CITES document is not subject to any action under Article VIII or Article XIII paragraph 3 that would not allow trade in the species.
(6) Extension of validity .....	The validity of a CITES document may not be extended except as provided in § 23.73 for certain timber species.
(7) Fraudulent CITES document or CITES document containing false information.	The CITES document is authentic and does not contain erroneous or misleading information.
(8) Humane transport .....	Live wildlife or plants were transported in compliance with CITES' <i>Guidelines for transport and preparation for shipment of live wild animals and plants</i> or, in the case of air transport of wildlife, the <i>International Air Transport Association Live Animals Regulations</i> . (See § 23.23(c)(7).)
(9) Legal acquisition .....	The Party or non-Party issuing the CITES document has made the required legal acquisition finding.