

# Primer on importing and exporting of CITES-listed species

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Prepared by the American Herbal Products Association



This document was originally published in November 2013 under the same title. Most recently it has been revised to include additional species and annotations added to the CITES Appendices since its original publication. This document is the property of the American Herbal Products Association (AHPA) and is for AHPA purposes only. Unless given prior approval from AHPA, it shall not be reproduced, circulated, or quoted, in whole or in part, outside of AHPA, its Committees, and its members. Cite as: American Herbal Products Association. May 2020. Primer on importing and exporting CITES-listed species. AHPA: Silver Spring, MD.

## **Disclaimer**

The information contained herein is not and should not be considered legal advice. This AHPA publication is not a substitute for the actual laws and regulations that apply to the products and activities that are discussed herein. The information contained herein is not intended to replace or supersede federal or any state laws, regulations or guidance.

This document is specifically relevant to addressing the current legal status of the plant and animal species identified herein.

While AHPA believes the information herein is accurate, AHPA advises all individuals and entities using this information to discuss all aspects of their application of this information with an attorney or qualified consultant, or with personnel at relevant regulatory agencies.



## Table of Contents

<b>Introduction and organization of the Primer .....</b>	<b>1</b>
<b>Section 1 What is CITES? .....</b>	<b>3</b>
<b>Section 2 CITES-Listed Species in Commerce .....</b>	<b>6</b>
<b>Section 3 How CITES is Implemented in the United States .....</b>	<b>8</b>
<b>Section 4 Import, Export, or Re-export of a CITES-Listed Species.....</b>	<b>10</b>
Import and Export of CITES-listed Species in the United States .....	11
Export Permits and Re-export Certificates .....	12
<b>Section 5 Commonly-Traded CITES-Listed Species.....</b>	<b>19</b>
<b>Section 6 Supplemental Information and Sample Checklists .....</b>	<b>24</b>
Supplemental Information.....	24
Checklist for Importing CITES-Listed Species.....	26
Checklist for Exporting / Re-Exporting CITES-Listed Species.....	27



## Introduction and organization of the Primer

The American Herbal Products Association (AHPA) is a U.S. national trade association representing the herbal products industry. AHPA is comprised of domestic and foreign companies doing business as growers, processors, manufacturers, and marketers of herbs and herbal products. AHPA serves its members by promoting the responsible commerce of products that contain herbs.

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement that became effective in 1975 and that currently includes 182 countries and the European Union as members (called Parties). Specific requirements have been established for international trade in plant and animal species that are listed under CITES, and these requirements differ for each of three defined CITES Appendices. The placement of a species in one of the CITES Appendices is determined from the perceived level of potential extinction or endangerment, and exploitation of the species in international trade.

A number of AHPA's members market products that contain as ingredients plant species, and in some cases animal species, that are listed in one of the CITES Appendices. AHPA and its members therefore have an interest in CITES and need to understand the processes and practices that must be followed to be in compliance with CITES requirements when importing and exporting CITES-listed species.

The purpose of this work is to provide that understanding.

### Acknowledgements

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### Organization of the Primer

The Primer is organized into six primary sections. Section 1 is an introductory overview of CITES – its history and purpose and a summary of decision making and enforcement policies. This section does not provide extensive detail as the CITES Secretariat maintains very comprehensive information on its website ([www.cites.org](http://www.cites.org)). Therefore, much of this introductory section refers to information available on the CITES website.

Section 2 of this document describes the identification of all of the species, plant and animal, that are listed in the CITES Appendices and that are known to be in trade in the United States as ingredients in medicinal or therapeutic agents or as ingredients in dietary supplements. These



species may be in trade in other types of products as well. A list of the identified species is provided in Section 5.

Section 3 provides an overview of how CITES is implemented in the United States and identifies which government agencies are responsible for its implementation and enforcement.

Section 4 describes in detail all of the steps that are necessary to import, export, and re-export CITES-listed species. It provides details about the permitting processes for both U.S. Fish & Wildlife Service and USDA Animal and Plant Health Inspection Service.

Section 6 provides contact information for the U.S. agencies responsible for the implementation of CITES and sources of additional information. It also contains example checklists for the basic import and export processes.

Comments on this document, especially by importers and exporters of plants and animals referenced in this document, are welcome and should be submitted to AHPA at the email or physical address listed below. Revisions may be made to this guidance as additional insights are gained through practical use and as updates are adopted by the CITES Parties.

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All hyperlinks provided throughout this document were last accessed as of the date of publication.

## Section 1 What is CITES?<sup>1</sup>

Interest in environmental protection in the early 20<sup>th</sup> century led to numerous meetings and conversations about the need for a unified international approach to species conservation. IUCN<sup>2</sup> was founded in 1948 to serve as a network of governments and non-government organizations with a common interest in protecting nature. A resolution adopted at a 1963 meeting of IUCN proposed an “international convention on regulation of export, transit and import of rare or threatened wildlife species.” That proposal served as the genesis for CITES. Originally called the Washington Convention, as it was signed in Washington, D.C., the text of the Convention was adopted by 80 original signatories in 1973 and came into force in 1975. Countries that are signatories to CITES are known as “Parties.”

CITES functions by maintaining three separate lists, called Appendices, of internationally-traded plant and animal species that have been identified as subject to the protection of the Convention. CITES defines these lists as follows:

- 🌿 Appendix I includes species threatened with extinction which are or may be affected by trade. Trade in specimens of these species must be subject to particularly strict regulation in order not to further endanger their survival and must only be authorized in exceptional circumstances.
- 🌿 Appendix II includes:
  - (a) species which although not necessarily now threatened with extinction may become so unless trade in specimens of such species is subject to strict regulation in order to avoid utilization incompatible with their survival; and
  - (b) other species which must be subject to regulation in order that trade in specimens of certain species referred to in sub-paragraph (a) of this paragraph may be brought under effective control (i.e., look-alike species).
- 🌿 Appendix III includes species which any Party identifies as being subject to regulation within its jurisdiction for the purpose of preventing or restricting exploitation, and as needing the co-operation of other Parties in the control of trade.

Countries that become signatories to CITES take on responsibilities for monitoring and controlling international trade in the species that have been listed in the Appendices. These

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<sup>1</sup> Much of the information in this section is derived from the CITES website, [www.cites.org](http://www.cites.org). Further information can be found there.

<sup>2</sup> Originally the International Union for Protection of Nature; later revised to the International Union for Conservation of Nature and Natural Resources; now commonly known as IUCN, International Union for Conservation of Nature.



responsibilities include actions that are to be taken for both importation and exportation of these species and the Parties each agree that they will not allow trade in any listed species “except in accordance with the provisions of the present Convention.” Each Party to the Convention must designate one or more Management Authorities to administer a permitting system and one or more Scientific Authorities to advise the Management Authority on the effects of trade on species listed under CITES.

Collectively known as the Conference of the Parties (CoP), member countries meet every two to three years at a meeting of the CoP to administer the ongoing work of CITES. These meetings provide the opportunity to review, discuss, and negotiate changes in the implementation of CITES. With the exception of actions to include species in Appendix III, all major decisions, including changes in protections for species included in Appendices I and II, are made at a meeting of the CoP. Parties strive to make decisions at a meeting of the CoP via consensus, but when that cannot be accomplished, decisions are decided by vote.

Three CITES advisory committees provide policy guidance and technical support to the Secretariat and the CoP. These committees meet between meetings of the CoP, often developing documents to inform the decision-making process. The Standing Committee<sup>3</sup> provides general policy and operational direction to the Secretariat regarding CITES implementation and may advise other committees. It drafts resolutions for consideration by the CoP and carries out any activities assigned to it between meetings of the CoP. The Standing Committee is also responsible for overseeing the development and execution of the Secretariat’s budget.

The Animals Committee and Plants Committee<sup>4</sup> fill gaps in biological and other specialized knowledge regarding species of animals and plants that are, or may become, subject to CITES trade controls. They undertake periodic reviews of listed species, advise when trade in a particular species may be unsustainable, and draft documents for consideration by the CoP.

Meetings of the CoP and the CITES committees are attended by delegations from the Parties, but are open to observers as well. Observers may be countries that are not yet Parties to CITES, other organizations involved in the conservation of species, and other international bodies. Meetings are also open to observers from the general public. Observers are allowed to participate in discussions at CITES meetings but only Parties may make decisions.

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<sup>3</sup> Information on the CITES Standing Committee can be found here <https://www.cites.org/eng/disc/sc.php>.

<sup>4</sup> Information on the CITES Animals and Plants Committees can be found here [https://www.cites.org/eng/disc/ac\\_pc.php](https://www.cites.org/eng/disc/ac_pc.php).



The United States has been a Party to CITES since its inception. Responsibility for ensuring implementation of CITES in the United States has been assigned to the Department of the Interior, U.S. Fish & Wildlife Service. Any individual or company that imports or exports CITES-listed species into or out of the United States must be aware of and must conform to the regulations that the U.S. Fish & Wildlife Service establishes, which are discussed in detail in Sections 3 and 4.

In carrying out its CITES responsibilities, U.S. Fish & Wildlife Service leads the U.S. delegation to meetings of the CoP. In preparation for meetings, U.S. Fish & Wildlife Service interacts with federal and state agencies to gather trade and biological data about species that are or may become included in their CITES Appendices. Public input and recommendations are sought using Federal Register notices, website postings, and public meetings in order to prepare the content of discussion documents and U.S. negotiating positions for meetings of the CoP.



## Section 2 CITES-Listed Species in Commerce

Since its inception in 1975, the number of taxa listed in the CITES Appendices has grown to over 5,000 species of animals and almost 32,000 plant taxa. The large number of listed plant taxa is in part because several entire families, including the two largest families Cactaceae and Orchidaceae, are listed in the Appendices. Both U.S.-native and non-native species are listed in the Appendices. The vast majority of those species, however, are not used in the United States as medicinal or therapeutic agents or as ingredients in dietary supplements.

The list of commonly-traded species provided in Section 5 of this document is a cross-reference of the species that are listed in the CITES Appendices and that are also included in AHPA's *Herbs of Commerce*, 2<sup>nd</sup> ed.<sup>5</sup>, in the *Homeopathic Pharmacopoeia of the United States* (HPUS)<sup>6</sup>, or in the current English edition of the *Pharmacopoeia of the People's Republic of China*<sup>7</sup> (PPRC). The first of these references lists over 2,000 botanical substances in trade in the United States. The HPUS is the official listing of homeopathic drugs for use in the United States produced from a variety of botanical and animal species. The PPRC is the official listing of Chinese drugs, including hundreds of botanical materials. The PPRC also lists numerous animals that are used in traditional Chinese medicine.

While the list provided in Section 5 was accurate at the time of publication of this Primer, the user is directed to the CITES website for the most current CITES Appendices.<sup>8</sup>

### Annotations to Plant Species Listed in CITES Appendices

Many of the plant taxa listed in the CITES Appendices that are of interest to the herbal products industry have annotations that define specific inclusions or limitations to the scope of the species listing. These annotations may relate to matters such as:

- The species within a particular genus that are subject to CITES,
- The applicability of the CITES listing to specific country(ies) of origin,
- The specific parts and derivatives of a plant that are subject to CITES controls, and
- The exclusion or inclusion of certain products, including in some instances finished products packaged for retail trade, which contain the listed species.

The provisions of CITES do not necessarily end when CITES-listed plant material is processed into a finished product such as a dietary supplement or traditional herbal health product.

<sup>5</sup> McGuffin, M *et al.* 2000. *Herbs of Commerce*, 2<sup>nd</sup> ed. Silver Spring, MD: AHPA.

<sup>6</sup> American Institute of Homeopathy. 1897. *The Homeopathic Pharmacopoeia of the United States*. Boston: Otis Clapp & Sons.

<sup>7</sup> The State Pharmacopoeial Commission of the PRC. 2010. *Pharmacopoeia of the People's Republic of China* (English Edition 2015). Beijing: Chemical Industry Press.

<sup>8</sup> The CITES Appendices can be accessed here <https://www.cites.org/eng/app/index.php>.



Exporters of finished products with botanical materials need to be aware of the following if their product contains material from one or more CITES-listed plant species:

- Whether any of the CITES-listed plant species present in their products are annotated to exclude finished products or parts of artificially propagated plant or hybrids, or
- Whether any of the CITES-listed plant species present in their products are annotated to include only specific parts or derivatives (in which case only those parts and derivatives used in the products would be subject to CITES requirements).

In instances where finished products are not exempt from CITES requirements for a CITES-listed plant species, the exporter is legally responsible for obtaining CITES documentation for the finished product, regardless of how extensive the supply chain is for the CITES-listed plant species. These requirements are presented in greater detail in Section 4 of this Primer.

## Section 3 How CITES is Implemented in the United States

As indicated in Section 1, the U.S. Fish & Wildlife Service is responsible for implementation of CITES in the United States. Divisions within the U.S. Fish & Wildlife Service are designated as the CITES Management Authority<sup>9</sup> and Scientific Authority<sup>10</sup> of the United States, as required by CITES. The U.S. Fish & Wildlife Service also works with multiple domestic and international partners to help inform policy and implementation of CITES in the United States.

The Division of Management Authority comprises three Branches, the Branch of Permits, the Wildlife Trade and Conservation Branch, and the Combating Wildlife Trafficking and Partnerships Branch, which work together to oversee the following CITES functions:

- ❑ Implementation of the permit program;
- ❑ Reviewing permit applications for export and re-export of CITES-listed species to determine if the species were legally obtained (the CITES legal acquisition finding) or legally imported into the United States, as appropriate;
- ❑ Communicating with other CITES Parties, the CITES Secretariat, and the public on CITES issues;
- ❑ Collaborating with State and other Federal agencies on implementation issues;
- ❑ Representing the United States at CITES meetings;
- ❑ Developing national legislation and regulations to implement CITES; and
- ❑ Producing CITES trade reports and monitoring trade in CITES-listed species.
- ❑ Providing financial assistance to partners who are implementing projects to strengthen CITES implementation and/or combat wildlife trafficking.

The Division of Scientific Authority oversees the following CITES functions:

- ❑ Identifying, assessing, and recommending species for listing in the CITES Appendices or a change in their current listing status;
- ❑ Conducting scientific evaluation of CITES documents and developing technical proposals for CITES meetings;
- ❑ Monitoring trade and the status of the species in the wild;

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<sup>9</sup> More information about the U.S. FWS Division of Management Authority is available at this link: <https://www.fws.gov/international/about-us/division-of-management-authority.html>

<sup>10</sup> More information about the U.S. FWS Division of Scientific Authority is available at this link: <https://www.fws.gov/international/about-us/division-of-scientific-authority.html>



- 🌿 Reviewing applications for export, import, and introduction from the sea of CITES-listed species to determine if trade in the species would be detrimental to the survival of the species (the CITES non-detriment finding);
- 🌿 Advising on identification of species, taxonomy, nomenclature, and other scientific matters that may relate to implementation;
- 🌿 Representing the United States at CITES meetings; and
- 🌿 Participating on various international working groups and panels and sharing scientific expertise with colleagues within and outside the United States.

In partnership with U.S. Fish & Wildlife Service, the U.S. Department of Agriculture (USDA) plays a significant role in CITES implementation as well. The USDA's Animal and Plant Health Inspection Service (APHIS) issues USDA Protected Plant Permits for entities interested in importing CITES-listed plants. USDA/APHIS is the U.S. inspection authority for all CITES-listed plant shipments exiting the United States and such shipments must exit through designated ports, which are listed on the USDA/APHIS website. USDA/APHIS also manages the inspection of arriving imports containing live CITES-listed plants at designated import inspection stations. The Department of Homeland Security's Customs and Border Protection (CBP) inspects and clears imports containing non-living CITES-listed plant species, which must also enter through designated ports.



## Section 4 Import, Export, or Re-export of a CITES-Listed Species

The specific requirements for the import, export, or re-export of CITES-listed species vary according to the CITES Appendix in which the species is listed, as well as for a country's domestic regulations for import, export, or re-export.

In general, the following is required for the import/export of Appendix-I species:

- ❏ An import permit is issued by the Management Authority of the receiving country if the specific conditions for the import of Appendix-I species are satisfied. The Scientific Authority of the receiving country must determine that the import will not be detrimental to the survival of the species. If importing live plants or animals, the receiving country's Scientific Authority must be satisfied that the intended recipient is suitably equipped to house and to care for the shipment.
- ❏ An export permit must be issued by the Management Authority of the country of export. Prior to issuing the permit, the Management Authority must determine if the specimen to be exported was legally obtained and the import permit has been issued by the receiving country. In the case of live plants and animals, the Management Authority of the country of export must be satisfied that the specimens will be prepared and shipped to minimize risk of damage. The Scientific Authority of the country of export must determine that the export will not be detrimental to the survival of the species.

In general, the following is required for the import/export of Appendix-II species:

- ❏ The domestic regulations of the receiving country determine whether an import permit is required. Note: CITES does not require an import permit for the import of specimens of Appendix-II species, but certain countries (such as those in the European Union) do require such permits under their stricter domestic regulations. The United States does not require the issuance of CITES import permits for imports of Appendix-II species unless the specimen(s) in question are listed under stricter domestic measures of the United States, for example, the U.S. Endangered Species Act.
- ❏ An export permit must be issued by the Management Authority of the country of export. The Management Authority must determine if the exported specimen was legally obtained. In the case of live plants and animals, the Management Authority must be satisfied that the specimens will be prepared and shipped to minimize risk of damage. The Scientific Authority of the country of export must determine that the export will not be detrimental to the survival of the species.



In general, the following is required for the import/export of Appendix-III species:

- ✎ Import of an Appendix-III species from the country that requested listing of the species requires that a CITES export permit be issued by the Management Authority of the country of export. Import from all other countries requires a CITES certificate of origin from the country of export.
- ✎ For export from the country that requested listing of the species, a CITES export permit must be issued by the Management Authority of the country of export. For export from other countries, a CITES country of origin certificate must be issued by the Management Authority of the country of export.

CITES export documentation is always required from the country of export. Importation of a CITES-listed species from a country that is not a Party to CITES may still require the importer to obtain documents from the exporting country containing all the same information that is required on a CITES export permit. It should be noted that some countries apply stricter domestic measures than those imposed by CITES, for example prohibiting all exports of their native wild plants or seeds thereof.

## Import and Export of CITES-listed Species in the United States

All CITES-listed species must enter or exit the United States through a port designated for inspection of the specific CITES species being imported or exported. USDA/APHIS maintains a listing of these designated ports of exit and entry for plants,<sup>11</sup> while the U.S. Fish and Wildlife Service maintains a listing of the designated ports of exit and entry for wildlife species.<sup>12</sup>

### Import Permits

Both the U.S. Fish & Wildlife Service and USDA/APHIS have permit requirements related to the importation of plant species listed in the CITES Appendices and the U.S. Fish & Wildlife Service has permit requirements for the importation of listed animal species. Importers should be aware that it takes at least 60 to 90 days for a permit application to be reviewed, and they should initiate the application process well in advance of the planned importation date. Importers should also determine whether any state or local requirements are applicable for their importation activity, such as state licensing for nursery operations.

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<sup>11</sup> Information about designated ports of entry for plants can be found at the following link: [https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/pis/ct\\_plant\\_inspection\\_stations](https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/pis/ct_plant_inspection_stations)

<sup>12</sup> Information about designated ports of entry for wildlife can be found at the following link: <https://www.fws.gov/le/ports-contact-information.html>



The U.S. Fish and Wildlife Service import permit requirements are dependent on whether the plant species to be imported is listed in CITES Appendix I or not. The import into the United States of an Appendix-I species requires an import permit, whereas the import of an Appendix-II or -III species does not. A specific application is required to import Appendix-I plant species. Importers should complete the appropriate form for their activity to avoid unnecessary delays in application review.

Any importation of live plants and seeds for planting (regardless of CITES status) requires the importer to obtain a permit under USDA's nursery stock regulation. In addition, USDA requires a Protected Plant Permit for the importation of CITES-listed species.

Importers should also be familiar with the requirements of the Bioterrorism Act of 2002<sup>13</sup> with regards to the registration of facilities which manufacture or process food, including dietary supplements, and prior notice of imports of food that are subject to the Act.

### Export Permits and Re-export Certificates

There are many steps and procedures that must be conducted properly for the export of a shipment of a CITES-listed species from the United States across any international border. Again, both U.S. Fish & Wildlife Service and USDA/APHIS have specific permits or certificates that must be obtained to legally conduct these activities. Exporters should also be aware that it takes at least 60 to 90 days for a permit application to be reviewed.

The U.S. Fish and Wildlife Service export permit and re-export certificate requirements are dependent on the listing of the plant or animal species in the CITES Appendices and the type of specimen or product being exported. Re-export is defined as the export of a specimen that was previously imported (with appropriate documentation to demonstrate the legal importation of the specimen(s)). Exporters should complete the appropriate form for their activity to avoid unnecessary delays during the application review process. Exporters with questions about which application form to use should contact the Division of Management Authority (see Section 6).

For the general export of plants and plant products, USDA provides Phytosanitary Certification (for live plants and unprocessed or unmanufactured plant products) and Export Certification (for processed plant products). These Certifications are intended to assist exporters in demonstrating the compliance of the exported plant or plant material to the importation requirements of the receiving country. The USDA Protected Plant Permit (form PPQ 621) is also required to engage in the business of exporting or re-exporting species listed in CITES.

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<sup>13</sup> Information about the Bioterrorism Act of 2002 can be found at this link: <https://www.fda.gov/food/guidance-regulation-food-and-dietary-supplements/registration-food-facilities-and-other-submissions>



The U.S. exporter/re-exporter must also determine the CITES requirements of the country that will receive the exported or re-exported CITES species. For example, some countries require an “Import Permit” for imports of species listed in Appendix II or III. After obtaining the proper U.S. documents, the exporter/re-exporter should contact the importer to determine the requirements of the importing country. All documentation related to the export/import of the CITES species must accompany the shipment including the ‘original’ CITES export permit or, in the case of a re-export, the ‘original’ CITES re-export certificate.

The exporter/re-exporter, or their legal representative/broker, must schedule an appointment with an APHIS CITES officer at the U.S. designated port that is qualified for the specific CITES-listed plant species being exported. The inspector will inspect the shipment and documentation before the issuance of a Phytosanitary Certificate or Export Certificate and final approval for exportation. There is a cost for the conduct of the Phytosanitary Certificate inspection, but not for the CITES inspection.

A certificate for the re-export of a CITES-listed species is required when re-exporting specimens of a species that was previously imported into the United States. This applies to plant products that have not been processed as well as those that may have undergone processing into other finished products such as dietary supplements, but the need for a re-export certificate depends on what plant parts and derivatives are included in the CITES listing. If the finished product contains a CITES-listed plant species that was previously imported into the United States, the exporter must apply for a re-export certificate to legally re-export the product to customers in other countries.

### **Export of Plants Produced Via Artificial Propagation**

The provisions of CITES recognize that significant international trade occurs for plant species which are cultivated using artificial propagation instead of wildcrafting, or being collected from wild populations. While the primary intent of CITES is to protect the wild populations of the listed species, CITES Parties also play a role in ensuring that artificially propagated specimens were produced from legally established parental stock and without detriment to wild populations. For Appendix-I and –II plant species that have been determined to be artificially propagated (as defined by CITES) a Certificate of Artificial Propagation is issued in lieu of an export permit. Exporters with questions about this process should contact the Division of Management Authority (see Section 6).





CITES has specific criteria that must be met for plant specimens to be considered artificially propagated.<sup>14</sup> In simplified terms, artificial propagation is defined as plant specimens that are grown under controlled conditions, from exempt material or cultivated parental stock that has been established legally, in a manner not detrimental to the wild species, and is maintained in quantities to minimize the need to augment the growing stock from the wild. There are additional considerations for long-lived species, specimens of hybrids, grafted plants, Appendix-I hybrids, and others.

The U.S. Fish & Wildlife Service application form titled “Export of Artificially Propagated Plants (Multiple Commercial Shipments)” (Form 3-200-33) allows a U.S. exporter to apply for the establishment of a Master File that will facilitate multiple exports of approved artificially propagated plants under CITES requirements. Establishing the Master File allows the exporter to file CITES documentation that will apply to multiple shipments of the approved plants up to a three-year period, thus decreasing the amount of paperwork that must be completed for individual shipments. Applicants must complete all applicable portions of the application form as thoroughly as possible because the information requested is used to make the determination that the plants to be exported meet the criteria for artificially propagated as defined by CITES. After establishing the Master File, shipments of artificially propagated species can be processed after obtaining single use Certificates of Artificially Propagated Plants (CAPP). Amendments to the Master File are required when changes are made to the approved taxa or the suppliers, including new suppliers of previously approved taxa or the same supplier providing a different taxon that was not reviewed as part of the original application.

Exporters should determine whether the plant specimens to be exported can qualify as being considered pre-Convention. Unless the specific plant material to be exported can be documented as being in existence prior to the inclusion of the species in CITES, they cannot be considered pre-Convention. Note that plant specimens to be exported may qualify for certification under artificial propagation if the growing stock was pre-Convention.

### Other Information

Both the U.S. Fish & Wildlife Service and USDA/APHIS websites have extensive information regarding the import and export permitting processes, and other tools such as lists of FAQs to assist importers and exporters in determining the requirements for their specific needs. Table 1 summarizes the necessary licenses or permits that must be obtained for each import and/or

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<sup>14</sup> The criteria for artificially propagated, as defined by CITES, are described in Resolutions Conf. 11.11 (Rev. CoP18) *Regulation of trade in plants*, Conf. 10.13 (Rev. CoP18) *Implementation of the Convention for tree species*, and Conf. 16.10 *Implementation of the Convention for agarwood-producing taxa*. See also the Guide to the application of CITES source codes at [https://cites.org/sites/default/files/eng/prog/captive\\_breeding/E-Souce%20codes%20booklet%20-%20April%2017.pdf](https://cites.org/sites/default/files/eng/prog/captive_breeding/E-Souce%20codes%20booklet%20-%20April%2017.pdf).



export activity. Users may also reference the United States Code of Federal Regulations § 50 CFR 23.20 *What CITES documents are required for international trade?*<sup>15</sup> Links to other U.S. Fish & Wildlife Service and USDA/APHIS website information are provided in Section 6.

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<sup>15</sup> This information can be accessed here: <https://www.govinfo.gov/content/pkg/CFR-2012-title50-vol9/pdf/CFR-2012-title50-vol9-sec23-20.pdf>.



## Testimonial from a Master File Veteran

“The initial approval process for establishing a Master File for Certification for Artificially Propagated Plants (CAPP) requires completion of the application, evidence of legal acquisition of the propagule material, establishment and maintenance of parental stock, and any other supporting documentation Fish & Wildlife Service may request. They may deem it necessary to conduct a site visit to confirm information.

As an example, to set up a Master File for goldenseal, we submitted the 11-page application, Statements of Legal Acquisition including name and location of where material was harvested and also where material is being cultivated including the State, County, Township, County Deed Book Number, page, and tract size. We had all documents signed, dated and notarized.

We also provided our General Permit from U.S. Department of Agriculture, photos of our Closed Artificial Propagation Production showing our seedlings, transplants, and mature seven-year old plants along with our State Nursery License. The entire process took over nine months from submission to approval and issuance of our permit.

Initially the permits issued could be copied for multiple-use and were valid for up to four years. The permittee would copy, fill in the required information including specific quantity of the material being shipped and submit for approval which was listed as a 60-90 day process. The process changed in 1999 based on new requirements for the European Union member nations. This required issuance of single-use permits valid for six months.

Currently an exporter can file for single use permits or establish a Master File that is valid for three years during which you are still required to submit applications for single-use permits for each shipment based on a specific quantity and that are valid for six months. We found the advantage to setting up the Master File is that the U.S. Fish & Wildlife Service approval is faster using that process.”

Edward Fletcher, Native Botanicals



**Table 1 – Required Forms for Import/Export of CITES Species**

Activity	USDA/APHIS	USFWS
<b>Import</b>		
Import of live plants or seeds of non-CITES species	<a href="#">USDA Nursery Stock Permit (PPQ 587)</a>	N/A
Import of CITES plant species (CITES import permit for Appendix-I species)	<a href="#">USDA Nursery Stock Permit (PPQ 587)</a> and <a href="#">USDA Protected Plant Permit (PPQ 621)</a>	<a href="#">Import of Wild Collected Appendix-I Plants (3-200-35)</a> or <a href="#">Export/Import/Interstate and Foreign Commerce of Plants (ESA and/or CITES) (3-200-36)</a>
Import of CITES animal species	N/A	<a href="#">Export/Re-export/Import/Interstate and Foreign Commerce/Take of Animals (Live/ Samples/Parts/Products) under the Convention on International Trade in Endangered Species (CITES) and/or the U.S. Endangered Species Act (ESA) (3-200-37)</a>
<b>Export/Re-export</b>		
Export of plants and plant products of non-CITES species	Phytosanitary Certification <sup>1</sup> for plants and unprocessed or unmanufactured plant products or Export Certification <sup>1</sup> for processed plant products	N/A
Export/Re-export of CITES plant species	<a href="#">USDA Protected Plant Permit (PPQ 621)</a>	N/A  <a href="#">Export of American Ginseng (3-200-34)</a> or <a href="#">Export of Artificially Propagated Plants (Multiple Commercial Shipments) (3-200-33)</a>  <a href="#">Export/Re-Export of Plants (3-200-32)</a> or <a href="#">Single Use Export Permits under a Master File or an Annual Program File (3-200-74)</a>



**Table 1 – Required Forms for Import/Export of CITES Species**

Activity	USDA/APHIS	USFWS
Export/Re-export of CITES animal species	N/A	<p><a href="#">Export/Re-export/Import/Interstate and Foreign Commerce/Take of Animals (Live/ Samples/Parts/Products) under the Convention on International Trade in Endangered Species (CITES) and/or the U.S. Endangered Species Act (ESA) (3-200-37)</a></p> <p>or</p> <p><a href="#">Export of Wildlife Removed from the Wild (Live/ Samples/Parts/Products) under the Convention on International Trade in Endangered Species (CITES) (3-200-27)</a></p>
<p><sup>1</sup> If required by the receiving country.</p>		



## Section 5 Commonly-Traded CITES-Listed Species

This table of commonly-traded species is a cross-reference of species that are listed in the CITES Appendices and also included in AHPA's *Herbs of Commerce*, 2<sup>nd</sup> ed.<sup>3</sup>, in the *Homeopathic Pharmacopoeia of the United States* (HPUS)<sup>4</sup>, or in the current English edition of the *Pharmacopoeia of the People's Republic of China*<sup>5</sup> (PPRC). Additional taxa that are not referenced in this table may also be found in commerce and may be subject to CITES regulation, including the entire cactus and orchid families. The user should consult the full CITES Appendices at [www.cites.org](http://www.cites.org). Users should also ensure that they understand any annotations associated with the CITES listings so they know what specimens (i.e., parts and derivatives) require CITES documents when traded internationally.

For a thorough definition of the meaning of the Appendices classifications, see CITES at [www.cites.org](http://www.cites.org).

Species Name	Common Name	CITES Appendix (Date of Inclusion)
<i>Adonis vernalis</i> <sup>1</sup>	spring adonis	App. II (07/19/2000)
<i>Aloe</i> spp. <sup>2,6</sup>	aloe	App. II (07/01/1975)
<i>Aquilaria malaccensis</i> <sup>14</sup>	agarwood	App. II (02/16/1995)
<i>Aquilaria sinensis</i> <sup>14</sup>	Chinese agarwood	App. II (01/12/2005)
<i>Bletilla striata</i> <sup>4,6</sup>	bletilla	App. II (07/01/1975)
<i>Cibotium barometz</i> <sup>6</sup>	Scythian lamb (tree fern)	App. II (02/04/1977)
<i>Cistanche deserticola</i> <sup>6</sup>	desert broomrape	App. II (07/19/2000)
<i>Corallorhiza odontorhiza</i> <sup>4,6</sup>	coralroot	App. II (07/01/1975)
<i>Crotalus durissus</i>	South American rattlesnake	App. III (04/13/1987)
<i>Cyclamen europaeum</i> (= <i>Cyclamen colchicum</i> ) <sup>6</sup>	sowbread	App. II (07/01/1975)
<i>Cypripedium acaule</i> <sup>4,6</sup>	pink lady's slipper	App. II (07/01/1975)
<i>Cypripedium calceolus</i> var. <i>pubescens</i> (= <i>Cypripedium parviflorum</i> var. <i>pubescens</i> ) <sup>4,6</sup>	yellow lady's slipper	App. II (07/01/1975)
<i>Cypripedium parviflorum</i> <sup>4,6</sup>	yellow lady's slipper	App. II (07/01/1975)



Species Name	Common Name	CITES Appendix (Date of Inclusion)
<i>Dactylorhiza maculata</i> (syn. <i>Orchis maculata</i> ) <sup>4,6</sup>	heath spotted orchid	App. II (7/01/1975)
<i>Dactylorhiza majalis</i> (syn. <i>Orchis latifolia</i> ) <sup>4,6</sup>	March orchis	App. II (07/01/1975)
<i>Dendrobium fimbriatum</i> <sup>4,6</sup>	dendrobium	App. II (07/01/1975)
<i>Dendrobium nobile</i> <sup>4,6</sup>	dendrobium	App. II (07/01/1975)
<i>Dendrobium officinale</i> <sup>4,6</sup>	dendrobium	App. II (07/01/1975)
<i>Dendrobium plicatile</i> (formerly <i>Flickingeria fimbriata</i> ) <sup>4,6</sup>	Fringed Flickingeria <sup>7</sup>	App. II (07/01/1975)
<i>Dionaea muscipula</i> <sup>6</sup>	Venus' flytrap	App. II (06/11/1992)
<i>Equus asinus</i> <sup>15</sup>	common donkey	Not included in CITES
<i>Euphorbia</i> spp. <sup>6</sup>	includes poinsettia and varieties of spurge	App. II (07/01/1975)
<i>Euphorbia antisiphilitica</i> <sup>6</sup>	Candelilla	App. II (07/01/1975)
<i>Galanthus nivalis</i> L. <sup>6</sup>	snowdrop	App. II (01/18/1990)
<i>Gastrodia elata</i> <sup>4,6</sup>	gastrodia	App. II (07/01/1975)
<i>Gekko gecko</i>	Tokay gecko	App. II (11/26/2019)
<i>Guaiacum officinale</i> <sup>1</sup>	guaiacum (common lignum vitae)	App. II (06/11/1992)
<i>Guaiacum sanctum</i> <sup>1</sup>	guaiacum (hollywood lignum vitae)	App. II (07/01/1975)
<i>Harrisia bonplandii</i> (= <i>Harrisia pomanensis</i> ) <sup>9</sup>	Cereus bonplandii, midnight lady	App. II (07/01/1975)
<i>Heloderma suspectum</i>	Gila monster	App. II (07/01/1975)
<i>Hoodia</i> spp. <sup>3</sup>	hoodia	App. II (01/12/2005)
<i>Hydrastis canadensis</i> <sup>8</sup>	goldenseal	App. II (09/18/1997)
<i>Lophophora williamsii</i> <sup>6,9</sup>	peyote	App. II (07/01/1975)
<i>Malaxis muscifera</i> <sup>4,6</sup>	adder's mouth orchid	App. II (07/01/1975)



Species Name	Common Name	CITES Appendix (Date of Inclusion)
<i>Mauremys reevesii</i>	Reeve's turtle	App. III (02/17/2005)
<i>Naja naja</i>	Naja tripudians, Indian cobra	App. II (02/13/1984)
<i>Nardostachys grandiflora</i> <sup>1</sup>	jatamansi	App. II (09/18/1997)
<i>Nepenthes distillatoria</i> <sup>6</sup>	Nepenthes, pitcher plant	App. II (10/22/1987)
<i>Opuntia compressa</i> (= <i>Opuntia humifusa</i> ) <sup>6,9</sup>	Eastern prickly pear	App. II (07/01/1975)
<i>Opuntia ficus-indica</i> <sup>6,9,10</sup>	prickly pear	App. II (07/01/1975)
<i>Orchis mascula</i> <sup>4,6</sup>	salep	App. II (07/01/1975)
<i>Osyris lanceolata</i> <sup>1</sup>	African sandalwood	App. II (06/12/2013)
<i>Panax ginseng</i> <sup>11</sup>	Asian ginseng	App. II (07/19/2000)
<i>Panax quinquefolius</i> <sup>12</sup>	American ginseng	App. II (07/01/1975)
<i>Peniocereus serpentinus</i> <sup>9</sup>	Cereus serpentus, snake cactus	App. II (07/01/1975)
<i>Picrorhiza kurrooa</i> <sup>1</sup>	picrorhiza (kutki)	App. II (09/18/1997)
<i>Podophyllum hexandrum</i> (syn. <i>Podophyllum emodi</i> ) <sup>1</sup>	Himalayan mayapple	App. II (01/18/1997)
<i>Prunus africana</i> <sup>6</sup>	pygeum (African cherry)	App. II (02/16/1995)
<i>Pterocarpus santalinus</i> <sup>13</sup>	red sanders	App. II (02/16/1995)
<i>Rauvolfia serpentina</i> <sup>1</sup>	Indian snakeroot (snake-root devil-pepper)	App. II (01/18/1990)
<i>Sarracenia purpurea</i> <sup>6</sup>	pitcher plant	App. II (10/22/1987)
<i>Saussurea costus</i> (syn. <i>Saussurea lappa</i> ; <i>Aucklandia costus</i> )	costus	App. I (08/01/1985)
<i>Selenicereus grandiflorus</i> (syn. <i>Cactus grandiflorus</i> ) <sup>9</sup>	Cactus grandiflorus, night-blooming cereus	App. II (07/01/1975)
<i>Spiranthes autumnalis</i> (= <i>Spiranthes spiralis</i> ) <sup>6</sup>	Autumn lady's tresses	App. II (07/01/1975)
<i>Taxus wallichiana</i> <sup>1</sup>	Himalayan Yew	App. II (09/13/2007)





NOTE: The following footnote numeric designations are unique to this AHPA document and may differ from the numeric designations in the CITES Appendices.

1. All parts, derivatives and products of these species are covered under CITES, except:
  - a) seeds and pollen; and
  - b) finished products packaged and ready for retail trade.
2. The Appendix-II listing is for all species of *Aloe* with the exception of *Aloe vera* (excluding *A. vera* var. *chenensis*) and of several species that are listed in Appendix I. Species that are included in *Herbs of Commerce*, 2<sup>nd</sup> ed. are *A. ferox*, *A. littoralis*, *A. perryi*, and *A. spicata*, none of which are listed in Appendix I. Additional species in the genus *Aloe* may be in commerce.
3. Not in *Herbs of Commerce*, 2<sup>nd</sup> ed., but prominently in trade. All parts and derivatives except those bearing a label “Produced from *Hoodia* spp. material obtained through controlled harvesting and production under the terms of an agreement with the relevant CITES Management Authority of [Botswana agreement No. BW/xxxxxx] [Namibia under agreement No. NA/xxxxxx] [South Africa under agreement No. ZA/xxxxxx]”. NOTE: To date, none of these agreements has been negotiated. Therefore, all parts and derivatives are currently covered under CITES.
4. The Appendix-II listing is for all species in the family *Orchidaceae*, with the exception of those species that are included in Appendix I. The Appendix-II listing exempts artificially propagated hybrids of four orchid genera, under certain conditions, as well as fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus *Vanilla*, cut flowers from artificially propagated plants, seeds and pollen, as well as seedling or tissue culture *in vitro* in solid or liquid media transported in sterile containers. Taxa in the orchid family that are not listed here may be in commerce
5. The Appendix-II listing is for all species of *Euphorbia* with the exception of non-succulent species and artificially propagated specimens of *Euphorbia trigona* cultivars.
6. All parts and derivatives, except:
  - a) seeds (including seedpods of *Orchidaceae*), spores and pollen (including pollinia). The exemption does not apply to seeds from *Cactaceae* spp. exported from Mexico, and to seeds from *Beccariophoenix madagascariensis* and *Neodypsis decaryi* exported from Madagascar;
  - b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
  - c) cut flowers of artificially propagated plants;
  - d) fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus *Vanilla* (*Orchidaceae*) and of the family *Cactaceae*;
  - e) stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (*Cactaceae*); and
  - f) finished products of *Aloe ferox* and *Euphorbia antisiphilitica* packaged and ready for retail trade.
7. Sold as a substitute for *shi hu* (*Dendrobium* spp.)
8. Underground parts (i.e. roots, rhizomes): whole, parts and powdered.
9. The Appendix-II listing is for all species of all genera of the family *Cactaceae*, with the exception of certain artificially propagated hybrids and cultivars, and those species that are included in Appendix I [Note: Appendix-I species are subject to stricter regulation]. Also exempted are seeds and pollen from all cactus except Mexican species originating in Mexico; cut flowers from artificially propagated plants; fruit from artificially propagated or



naturalized populations; and seedling or tissue culture *in vitro* in solid or liquid media transported in sterile containers. Taxa in the cactus family that are not listed here may be in commerce.

10. Separate stem joints (pads) and their parts and derivatives, so long as these are from artificially propagated or naturalized plants, are excluded from the listing for *Opuntia ficus-indica*.

11. Only populations of the Russian Federation are listed. Whole and sliced roots and parts of roots, excluding manufactured parts or derivatives, such as powders, pills, extracts, tonics, teas and confectionery.

12. Whole and sliced roots and parts of roots, excluding manufactured parts or derivatives, such as powders, pills, extracts, tonics, teas and confectionery.

13. Includes logs, wood-chips, powder and extracts.

14. All parts and derivatives except:

- a) seeds and pollen;
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) fruits;
- d) leaves;
- e) exhausted agarwood powder, including compressed powder in all shapes; and
- f) finished products packaged and ready for retail trade, this exemption does not apply to wood chips, beads, prayer beads and carvings.

15. The entry for *Equus asinus*, which is considered to be a domesticated species of donkey, is provided as differentiation from the wild species, *Equus africanus*. The CITES listing in Appendix I is only for *E. africanus*, and *E. asinus* is specifically excluded.

## Section 6 Supplemental Information and Sample Checklists

This section contains resources for users of this document who are in need of additional information regarding the CITES, U.S. Fish & Wildlife Service and USDA/AHPIS organizations.

It also contains sample checklists for the import and export processes to help botanical product handlers fulfill the requirements of the U.S. regulatory agencies in their oversight of US compliance with CITES.

### Supplemental Information

#### CITES

[Checklist of CITES Species](#)

[CITES Appendices](#)

[CITES Trade Information Database](#)

[Guide for Using the CITES Trade Information Database](#)

#### U. S. Fish & Wildlife Service

[Division of Management Authority:](#)

Tel: 800-358-2104

Fax: 703-358-2280

Email: [managementauthority@fws.gov](mailto:managementauthority@fws.gov)

[Division of Scientific Authority:](#)

Tel: 703-358-1708

Fax: 703-358-2276

Email: [scientificauthority@fws.gov](mailto:scientificauthority@fws.gov)

[Information on CITES implementation in the United States](#)

[How CITES works in the United States](#) (see fact sheets in left column)

[More about CITES-listed plants in the United States](#) (including American ginseng)

[More about CITES-listed animals in the United States](#)

[U.S. Fish & Wildlife Service Permits Overview](#)

[Do I need a permit?](#)

[Application Forms](#)



## [How to Apply](#)

### **U.S. Department of Agriculture Animal and Plant Health Inspection Service**

Permits for Plants, Plant Products, Soil, Protected Plants and Transit Shipments:

Tel: (301) 851-2046

Toll-Free Automated System: 877-770-5990

Fax: (301) 734-5786

Email: [Permits@aphis.usda.gov](mailto:Permits@aphis.usda.gov)

Import Requirements for Plants and Plant Products:

Tel: (301) 851-2046

Fax: (301) 734-3225

### **Plant Inspection Stations:**

Tel: (301) 851-2046

Fax: (301) 734-5276

[Import and Export Information](#) (general information)

[Import and Export Information](#) (CITES specific)

[USDA/APHIS CITES Frequently Asked Questions](#)

### **U.S. Customs Border Protection**

Tel. 1-877-227-5511

[Ports of Entry Information](#)



## Checklist for Importing CITES-Listed Species

According to CITES, the Management Authority of each Party determines whether import permits are required for CITES-listed species other than those listed in CITES Appendix I. The United States does require import permits for the importation of species listed in CITES Appendices I and II.

NOTE: Obtaining the required permits for importation can take 90 days or more, so plan accordingly.

- Verify that the specimens to be imported are subject to the provisions of CITES (see Section 5 of this document and CITES Appendices ([cites.org/eng/app](https://www.cites.org/eng/app)) for most current information for Appendix-I species). Be sure to reference any annotations which define the parts or forms of the CITES-listed species that are included under or exempted from the CITES listing.
- Determine whether the country of export for the specimens to be imported is a Party to CITES (see the CITES website).
  - If the country of export is a Party to CITES, arrange with the exporter in the country of export to obtain required export permits from that Management Authority; OR
  - If the country of export is not a Party to CITES, export documentation equivalent to that required by CITES will need to be obtained from the appropriate authority in the country of export in order to import a CITES-listed species into the United States.
- Complete the required import permit applications forms for both USDA/APHIS and the U.S. Fish & Wildlife Service (see Section 4, Import Permits, and Table 1 of this document). The forms include detailed instructions for completing the required information in a manner that will facilitate processing. It is important to provide complete and accurate responses to the information requested on the application forms.
- Verify whether other applicable importation requirements such as state nursery licensing and Bioterrorism Act registration have been fulfilled.
- Determine at which designated port of entry the specimens will arrive for entry into the United States. The lists of designated ports of entry are available on the USDA/APHIS and U.S. Fish & Wildlife Service websites. Note that some of these ports of entry are CITES species-specific.
- Obtain the import permits, and provide all import permit documentation to the port of entry for verification upon arrival of the imported specimens. The exporter may also need copies of the import permits to provide to the Management Authority of the country of export.



## Checklist for Exporting / Re-Exporting CITES-Listed Species

According to CITES, an export permit must be issued by the Management Authority of the country of export for a CITES-listed species to be legally exported. In the U.S., the Management Authority within the U.S. Fish & Wildlife Service will issue the export permit, which is based on a determination that the specimen to be exported was legally obtained and the trade will not be detrimental to the species. For the export of a CITES Appendix-I species, the Management Authority will verify that an import permit has been issued by the receiving country. For the export of a CITES Appendix-II species, the national law of the receiving country defines whether an import permit is needed.

NOTE: Obtaining the required permits for exportation can take 90 days or more, so plan accordingly.

- Verify that the specimens to be exported are subject to the provisions of CITES (see Section 5 of this document and CITES website for most current information for listed species). Be sure to pay attention to any annotations which define the parts or forms of the CITES-listed species that are included under or exempted from the CITES listing.
- Determine whether the receiving country for the specimens to be exported is a Party to CITES (see the CITES website).
  - If the receiving country is a Party to CITES, the importer should determine if the Management Authority of that country requires an import permit for the CITES-listed species; OR
  - If the receiving country is not a Party to CITES, the importer should determine what other import documentation may be needed according to the national laws of the receiving country.
- Complete the required export permit application forms for both USDA/APHIS and U.S. Fish & Wildlife Service (see Section 4, Export Permits, and Table 1 of this document). The forms include detailed instructions for completing the required information in a manner that will facilitate processing. It is important to provide complete and accurate responses to the information requested on the application forms.
  - The exporter should complete the appropriate permit application (see Table 1), providing all of the requested information, and may consider establishing a Master File or requesting a one-time export permit.
- Determine at which designated port the specimens will be inspected for export from the United States. The lists of designated ports of export are available on the USDA/APHIS and



U.S. Fish & Wildlife Service websites. Note that some of these ports of export are CITES species-specific.

- Obtain the export permits, and schedule an appointment for inspection of the specimens to be exported at the designated port. Provide all export documentation to the port of export for verification during inspection of the specimens to be exported.

**Additional Information for Re-Exporting CITES-Listed Species:**

Re-export is defined as the export of a specimen that was previously imported (with appropriate documentation to demonstrate the legal importation of the specimen(s)).

- Obtain the documentation that demonstrates the original legal import of the specimen(s), such as a copy of the export permit from the country of export stamped by either U.S. Customs and Border Protection or USDA/APHIS, and the history of transactions if the specimens were not purchased from the original importer.

