



Law No. 5 of 2006 on the Regulation of Trade in Endangered Wildlife Fauna and Flora and their Products

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Articles (1-21)

We, Hamad Bin Khalifa Al-Thani, Emir of the State of Qatar;

With due consideration to the Constitution;

Decree-law No. 11 of 2000 establishing the Supreme Council for Environment and Natural Reserves (SCENR);

Decree No. 19 of 2001 ratifying the accession of the State to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);

Decree No. 43 of 2003 ratifying the accession of the State to the Convention on the Conservation of Wildlife and Natural Habitats in the GCC Arab countries;

The proposal of the President of the Supreme Council for Environment and Natural Reserves (SCENR);

The draft law submitted by the Cabinet;

And having consulted the *Shura* council;

Hereby promulgate the following:

Articles

Article 1

In the application of the provisions of this law, the following words and expressions shall have the meanings assigned to each, unless the context otherwise requires:

“Council” means the Supreme Council for Environment and Natural Reserves (SCENR)

“President” means the chairperson of the Council.

“Executive management” means the section of wildlife research at the department of wild life preservation and development at the Council.

“Scientific management” means the section of natural reserves at the department of wildlife preservation and development at the Council.

“Wildlife Rescue Centre” means the location specified by the Council, in coordination with the concerned entities, for keeping live specimens of confiscated wildlife.

“Country of origin” means the country from which specimens were taken from natural habitat, or wherein they were born or otherwise produced in a controlled or confined environment, or were artificially propagated or introduction from the sea(IFS).

“Wildlife organisms” means any member of the animal kingdom including: mammals, birds, fish, amphibians and reptiles, in addition to bacteria or fungus and plants, indigenous or exotic to the natural ecosystem.

“Endangered species of wildlife” means wildlife organisms listed in appendices.

“specimen” means any living or dead animal or plant species listed in appendices, or any part or derivative, or offspring thereof, proved by accompanying documents or packages to be part or or derivative, or offspring of the species and specimens listed in appendices, unless such parts and derivations are permitted.

“Products” means any natural or processed part generated from a wildlife organism.

“Captive-breeding produce” means the offspring, or any other produce, born in captivity or a controlled environment wherein parents mated or gametes were otherwise transferred in a controlled environment, if reproduction is sexual, or if parents were in a controlled environment when development of the offspring began, if reproduction is asexual.

“Artificial propagation” means plants, including parts and derivatives thereof; seeds, cuttings, divisions, callus tissues or other plant tissues, spores or other propagules under controlled conditions;

“International trading” means export, re-export or import of wildlife organisms listed in supplements.

“import” means to land on, bring into, or introduce into, or attempt to land on, bring into, or introduce into, any place subject to the jurisdiction of the State of Qatar, based on customs procedures, other than transit and trans-shipment.

“Export” means the exiting of any species or specimens listed in appendices from any location within the jurisdiction of the state.

“Re-export” means the export of any previously imported species or specimens.

“introduction from sea” means introducing any species or specimens, from species listed in appendices, into the state, that are collected from the high seas outside territorial waters.

“Transit and trans-shipment” means retention of species and specimens under the control of the customs and ports authority while in transit to the consignee outside the state.

“Commercial purposes” means sale, offer for sale, trade-in or exchange.

“Permit, licence or certificate” means an official document indicating approval for the importing of any species or sample listed in appendices, or for the export or re-export of the same or its introduction from the sea.

“Inspection” means ensuring the availability of licenses and certificates, and the checking of species and specimens.

“Appendices” means appendices Nos. (1), (2) and (3) enclosed herein.

Article 2

This law shall be applicable to all species and specimens of endangered wildlife organisms, as listed in appendices.

Article 3

International trading in, and transit and trans-shipment of, species and specimens listed in appendices shall be prohibited, unless licensed by the executive management in accordance with the provisions herein.

Article 4

An application for a license to import, export or re-export any species or sample of the species listed in supplements shall be submitted to the executive management, along with data and documents related to such species or specimens, particularly the following:

The comments of the scientific management on such import export or re-export.

Evidence that the species or specimens forming the subject of the application have been legally obtained.

Evidence that the species or specimens forming the subject of the re-export application have been imported in accordance with the provisions herein.

In the case of live species or specimens to be exported or re-exported, a statement that the respective shipment is in compliance with the provisions of the agreement related to the transport of live specimens. If transported by air, such transport shall be in compliance with the rules of transporting live animals in accordance with the instructions of the International Air Transport Association (IATA).

In the case of applying for the export of any of the species or specimens listed in supplement (1), such application shall be enclosed with an import license from the executive management in the country of destination.

An application for an import license or an introduction from the sea certificate (IFSC) for any species or specimens listed in supplement (1) shall be enclosed with a statement to the effect that such species shall not be used for commercial purposes.

The executive management may, whenever it deems necessary, demand any additional information or data from the applicant for issuance of such license or certificate

Article 5

1. Applications for licenses or certificates submitted to the executive management, together with all required data and documents, shall be resolved within thirty days from the date of submittal.

An applicant may submit a complaint against resolutions issued herein to the President, within thirty days of the date of notification of such resolution by registered mail. The complaint shall be settled within thirty days of the date of its submittal. A complaint not settled within the notice period shall be considered declined.

Article 6

The aforesaid licenses or certificates shall be issued on forms to be established for the purpose. The validity of such licenses or certificates shall be for six months effective from the date of issuance. Such licenses or certificate shall not be assigned to third parties.

Article 7

1. No individual or establishment shall trade in any of the species or specimens listed in supplements, or otherwise engage in breeding in captivity or artificially propagate or transit thereof, unless such species or specimens have been entered in the record to be established for the purpose by the executive management.

Such record shall be in accordance with the terms and procedures issued under a resolution from the President, based on proposals by the executive management.

Article 8

Any person engaged in trading, breeding in captivity or artificial propagation activities in the species listed in the appendices shall keep records under the seal of the Council, wherein quantities and deals concluded shall be entered regularly.

Article 9

1. Export of animal species listed in appendix (1), which are bred in captivity for trading purposes, may be prohibited unless the breeding process is registered with the executive management. Such species may, however, be used for non-trading purposes.

The species listed in appendices (2) and (3), which are bred in captivity, may be traded without a license or export certificate if accompanied by “bred in captivity certificate”, whether issued from the executive management or from the executive entity at the country of export or re-export.

Article 10

1. Plants species listed in appendix (1), which are produced through artificial propagation, may not be traded unless produced through a nursery registered at the executive management. Such species may, however, be circulated for non-commercial purposes.

The species of plants listed in appendices (2) and (3), which are produced through artificial propagation, may be traded without a license or export certificate if accompanied by artificial propagation certificate or phytosanitary certificates, whether issued from the executive management or from the executive entity at the country of export or re-export.

Article 11

The provisions of Article 4 herein shall not apply to the following:

Species and specimens to be trans-shipped.

Dead specimens, species, parts or derivations of species listed in appendices(1) and (2), if such are personal property brought into the state or exported or re-exported therefrom.

Live species and specimens listed in appendices, if they are personal property whose owner is in possession of an ownership certificate from the executive management.

Species and specimens forming part of a mobile zoo, circus, wildlife or Botany exhibition. This shall also include species bred in captivity or artificially propagated species for non-commercial purposes, provided that they bear a valid certificate of ownership.

The species and specimens taken into possession before the enforcement of the provisions herein, provided that such species are registered in a record to be established for the purpose, and provided also that a certificate thereof is issued by the executive management.

Species and specimens used for scientific purposes in accordance with the terms and conditions to be determined by the executive management.

Article 12

International trading in species and specimens listed in appendices shall be permitted with countries that are not parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), provided that such trade is accompanied by documents from such countries that are equivalent to the licenses and certificates provided herein.

Article 13

Any person who imports, exports, re-exports, offers for sale or introduces from the sea any of the species and specimens listed in the appendices, or otherwise attempts to undertake any of the foregoing acts in violation of the provisions herein, shall be sentenced to imprisonment for a period not exceeding one year or to a fine not exceeding twenty thousand (20,000) Riyals, or to both.

Article 14

Any person assigned as a guard to species and specimens listed in appendices and who, in violation of the provisions herein, takes any of such species and specimens into his possession, or displays them to the public, shall be sentenced to imprisonment for a period not exceeding six months, or to a fine of not less than one thousand (1000) Riyals and not more than ten thousand (10,000) Riyals, or to both.

Article 15

1. Any person who provides or attempts to provide the executive management with incorrect data for the purpose of obtaining a registration license or certificate for one of the species and specimens listed in appendices shall be sentenced to imprisonment for a period not exceeding three months, or to a fine not exceeding five thousand (5000) Riyals, or to both.

Any person, who alters, erases or removes marks used by the executive management for identification of species and a sample listed in appendices or carries or transports the same by air without observing the measures provided herein, and without obtaining the necessary supporting documents, shall be sentenced as provided in the foregoing paragraph.

Article 16

1. The penalties provided for in the foregoing Articles shall be doubled in the case of a recurrence of the offences described therein. A defendant shall be deemed recidivist if the defendant commits a similar offence within three years following the completion or expiration of the sentence designated penalty period. All offences provided herein shall be deemed similar.

In all cases, the species and specimens forming the subject of the offence shall be either confiscated or returned to the country of origin at the expense of the defendant. Cages and containers used in the commission of the offence shall also be confiscated. The executive management shall dispose of the same after seeking the opinion of the scientific management.

Article 17

Where the defendant, is a legal person, its legal representative shall be punished, as designated herein, in his capacity as an accomplice to the principal defendant. Such legal representative may be exempted from punishment if it is established that the offence has been committed without his knowledge, against his will, or in a manner that causes him harm.

Article 18

The officials of the executive management and scientific management who have been vested by the Public Attorney, with the consent of the President, with the powers of judicial investigators shall investigate and determine offences that violate the provisions of this law and the executive resolutions thereof. In their capacity they shall be entitled:

To inspect all locations, aircrafts, ships and vehicles suspected of carrying the species and specimens listed in supplements in violation of the provisions herein.

To inspect all things suspected of being species and specimens that are transported or otherwise taken into possession in violation of the provisions herein.

To inspect records and documents related to such species and specimens listed in supplements.

Article 19

Based on a proposal from the Council, a resolution from the Council of Ministers shall be issued to determine the designated fees for licenses and certificates to be issued in the implementation of the provisions herein. Such fees shall be collected by the executive management in favour of the public treasury of the state.

Article 20

The President shall issue the necessary resolutions for the enforcement of the provisions herein.

Article 21

All competent authorities, each in its respective jurisdiction, shall enforce this law with effect from the date of its publication in the *Official Gazette*.

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