

INTERNATIONAL TRADE IN ENDANGERED SPECIES ACT 2008

INTERNATIONAL TRADE IN ENDANGERED SPECIES (PERMIT, CERTIFICATE, REGISTRATION AND FEES) REGULATIONS 2009

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INTERNATIONAL TRADE IN ENDANGERED SPECIES ACT 2008

INTERNATIONAL TRADE IN ENDANGERED SPECIES (PERMIT, CERTIFICATE, REGISTRATION AND FEES) REGULATIONS 2009

IN exercise of the powers conferred by section 54 of the International Trade in Endangered Species Act 2008 [Act 686], the Minister makes the following regulations:

PART I PRELIMINARY

Citation and commencement

1. (1) These regulations may be cited as the **International Trade in Endangered Species (Permit, Certificate, Registration and Fees) Regulations 2009**.

(2) These Regulations come into operation on 28 December 2009.

Interpretation

2. In these Regulations “document” includes licence, permit, special permit, removal pass or authorization issued by the Forestry Department of the States in Peninsular Malaysia, Sabah Forestry Department and the Management Authority, except the Malaysian Timber Industry Board and the Department of Agriculture, Ministry of Agriculture and Agro-Based Industries Malaysia.

Fees

3. (1) The fees to be paid under these Regulations shall be as prescribed in the First Schedule.

(2) The fees shall be paid to the Management Authority in any manner as the Management Authority may direct.

PART II APPLICATION AND DOCUMENTS

Application

4. (1) An application for —
- (a) a permit to import any scheduled species;
 - (b) a permit to export any scheduled species;
 - (c) a certificate to re-export any scheduled species;
 - (d) a certificate to introduce from the sea any scheduled species;
 - (e) the registration to produce captive bred animal or artificially propagated plant or animal of any scheduled species for commercial trade purposes; and
 - (f) a permit to export any captive bred animal or artificially propagated plant or animal of any scheduled species for commercial trade purposes,

shall be made to the Management Authority in any manner as the Management Authority may determine and shall, upon approval of the application, pay the prescribed fees.

(2) The application made under paragraphs (a), (b), (c), (e) and (f) shall be furnished with the documents as specified in the Second Schedule.

Additional information, particulars or documents

5. After receiving the application made under regulation 4, the Management Authority may, if it requires additional information, particulars or document, require the applicant to —

- (a) give any additional information, particulars or document;
- (b) appear in person or by another person authorized in writing by the applicant to appear on his behalf before the Management Authority or an authorized officer, to be interviewed; or
- (c) comply with any requirement as the Management Authority may determine.

Application to be registered with the Convention

6. (1) An application made under paragraph 4(1)(f) which falls under Appendix I of the Third Schedule of the Act shall be registered with the Convention.

(2) Where the application under paragraph 4(1)(f) has been registered with the Convention, the application shall be treated as an application made under Appendix II of the Third Schedule of the Act.

Withdrawal of application

7. (1) Any applicant under regulation 4 shall ensure that the application —

(a) is complete; and

(b) does not contain any error or contain any unauthorized alteration.

(2) If the application is being made not in accordance with the requirements specified under subregulation (1), the Management Authority—

(a) may refuse to process the application and shall require that it is amended or completed and resubmitted; or

(b) shall require that a new application be submitted.

(3) If the applicant fails to comply with this regulation, the application shall be treated as withdrawn but it shall not affect the right of the applicant to make a new application in accordance with regulation 4.

Replacement of permit and certificate

8. (1) Where a permit or certificate is lost or destroyed, the permit or certificate holder shall lodge a report to the police and inform the Management Authority in respect of the loss or destruction.

(2) The permit or certificate holder whose permit or certificate is lost or destroyed may file a new application of a permit or certificate in accordance with regulation 4.

Assignment or transfer

9. (1) A permit, certificate or registration holder shall not assign or transfer the permit or certificate issued or registration allowed by the Management Authority under subsection 16(2) of the Act.

(2) Notwithstanding subregulation (1), a registration holder may, by notifying the Management Authority in writing of the intention to assign or transfer the registration and the Management Authority approves it, assign or transfer the registration.

Duration of permit, certificate and registration

10. (1) A permit or certificate shall not be valid —

- (a) after six months from the date of its issue;
- (b) upon the death of the permit or certificate holder, for the time being the holder of it;
- (c) upon the dissolution of a company, in the case where the permit or certificate holder is a corporation, for the time being the holder of it.

(2) A registration shall not be valid —

- (a) after one year from the date of its issue;
- (b) upon the death of the registration holder, for the time being the holder of it;
- (c) upon the dissolution of a company, in the case where the registration holder is a corporation, for the time being the holder of it.

(3) A permit or certificate holder may make a new application in accordance with regulation 4 upon its expiration.

(4) A registration holder may apply for a renewal of the registration upon its expiration to the Management Authority in any manner as the Management Authority may determine and shall, upon approval, pay the prescribed fee.

(5) Notwithstanding subregulations (1) and (2), the Management Authority shall have the power to decide on other circumstances in which the permit, certificate or registration deemed to be invalid.

Interpretation of Second Schedule

11. Any words in the fourth column of the Second Schedule which are defined in the Act, except for the “Management Authority”, shall be read according to the meaning as intended in the Convention.

FIRST SCHEDULE

(Regulation 3)

FEES

<i>Provisions</i>	<i>Fees (RM)</i>
Paragraphs 4(1)(a), (b), (c), (d) and (f)	50.00
Paragraph 4(1)(e)	200.00
Subregulation 10(4)	100.00

SECOND SCHEDULE

[Subregulation 4(2)]

<i>Provision</i>	<i>Application</i>	<i>Appendix (Third Schedule of the Act)</i>	<i>Documents To Be Furnished</i>
Paragraph 4(1)(a)	Permit to import any scheduled species	I	Documents issued by the scientific authority of exporting countries where the import is intended for research, exhibition or other non-commercial trade purposes
		II	Permit to export or certificate to re-export issued by a management authority of exporting countries except for the purpose of introduction from the sea
		III	(a) certificate of origin or permit to export issued by exporting countries; or (b) certificate to re-export issued by a management authority of re-exporting countries

<i>Provision</i>	<i>Application</i>	<i>Appendix (Third Schedule of the Act)</i>	<i>Documents To Be Furnished</i>
Paragraph 4(1)(b)	Permit to export any scheduled species	I	(a) permit to import issued by importing countries; and (b) documents from — (i) the Forestry Department of the States in Peninsular Malaysia and Sabah Forestry Department in relation to terrestrial plants and timber in Peninsular Malaysia and Sabah; or (ii) the Management Authority, except the Malaysian Timber Industry Board and the Department of Agriculture, Ministry of Agriculture and Agro-Based Industries Malaysia, in relation to the species specified in the second column and

<i>Provision</i>	<i>Application</i>	<i>Appendix (Third Schedule of the Act)</i>	<i>Documents To Be Furnished</i>
			region specified in the third column corresponding to the respective Management Authority as specified in the First Schedule of the Act, if the scheduled species are not extracted from the controlled environment.
		II and III	(a) documents from — (i) the Forestry Department of each State in Peninsular Malaysia and Sabah Forestry Department in relation to terrestrial plants and timber in Peninsular Malaysia and Sabah; or (ii) the Management Authority, except the Malaysian Timber Industry Board and the Department of

<i>Provision</i>	<i>Application</i>	<i>Appendix (Third Schedule of the Act)</i>	<i>Documents To Be Furnished</i>
			Agriculture, Ministry of Agriculture and Agro-Based Industries Malaysia, in relation to the species specified in the second column and region specified in the third column corresponding to the respective Management Authority as specified in the First Schedule of the Act, if the scheduled species are not extracted from the controlled environment
		I	(a) endorsement copy or copy of a permit to import issued by the importing countries; (b) permit to import from the importing country;- (c) certificate to introduce from the sea any scheduled species;

<i>Provision</i>	<i>Application</i>	<i>Appendix (Third Schedule of the Act)</i>	<i>Documents To Be Furnished</i>
Paragraph 4(1)(c)	Certificate to re-export any scheduled species		and (d) permit to export issued by countries of origin or certificate to re-exports from exporting countries, if applicable*
		II and III	(a) endorsement copy or copy of a permit to import issued by the importing countries; (b) certificate to introduce from the sea any scheduled species; and (c) permit to export, certificate to re-export or certificate of origin issued by exporting countries, if applicable*
Paragraph 4(1)(e)			(a) endorsement copy or copy of a permit to import issued by the importing countries; and (b) permit to export from countries of origin or certificate to re-

<i>Provision</i>	<i>Application</i>	<i>Appendix (Third Schedule of the Act)</i>	<i>Documents To Be Furnished</i>
	Registration to produce captive bred animal or artificially propagated plant or animal of any scheduled species for commercial trade purposes	I, II and III	export from exporting countries, if applicable; or (c) documents from — (i) the Forestry Department of the States in Peninsular Malaysia and Sabah Forestry Department in relation to terrestrial plants and timber in Peninsular Malaysia and Sabah; or (ii) the Management Authority, except the Malaysian Timber Industry Board and the Department of Agriculture Ministry of Agriculture and Agro-Based Industries Malaysia, in relation to the species specified in the second column and region specified in the third column corresponding to the

<i>Provision</i>	<i>Application</i>	<i>Appendix (Third Schedule of the Act)</i>	<i>Documents To Be Furnished</i>
			respective Management Authority as specified in the First Schedule of the Act
Paragraph 4(1)(f)	Permit to export any captive bred animal or artificially propagated plant or animal of any scheduled species for commercial trade purposes	II and III	Registration certificate issued by the Management Authority

*Note:

The Management Authority may request those documents to be furnished, in addition to other documents as requested, for the purpose of monitoring the trade activity.

Made December 2009

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Minister of Natural Resources and Environment