

**REGULATIONS FOR THE INTERNATIONAL TRADE IN ENDANGERED
SPECIES OF WILD FAUNA AND FLORA
DRAFT**

Free Translation

Prepared by:



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REPUBLIC OF MOZAMBIQUE

MINISTRY FOR THE COORDINATION OF ENVIRONMENTAL ACTION

NATIONAL DIRECTORATE OF ENVIRONMENTAL MANAGEMENT

**REGULATIONS FOR THE INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA – RECIEFFAE**

DECREE Nr. XXX/2014

Xx/xx/xxxx

PREAMBLE

The objective of these Regulations on International Trade in Endangered Species of Wild Fauna and Flora (REGCIEFFAE) is to implement in detail the provisions of the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES) in order to insure that no wild species of fauna and flora become or remain subject to unsustainable exploitation due to international trade, in accordance with Conference Resolution 8.4. It is within this context that the Council of Ministers approves these regulations, including amendments and complementary provisions for the proper implementation of the CITES Convention.

Accordingly, and pursuant to the provisions in paragraph a) of number 2 of article 12 in conjunction with article 33, both from the Environmental Law, approved by Law Nr. 20/97 of 1 October, the Council of Ministers Decrees:

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- Article 1 - The Regulations on International Trade in Endangered Species of Wild Fauna and Flora, attached to and forming an integral part of this Decree, are approved.
- Article 2 – It is incumbent upon the Minister with oversight of the Environment sector to approve the Internal Regulations of the CITES Group as well as other complementary rules for the implementation of this Decree.
- Article 3 - Decree Nr. 16/2013 of 26 April is revoked.

Approved by the Council of Ministers, on xxx xxx of 20xxx.

To be published.

The Prime Minister - ALBERTO CLEMENTINO ANTÓNIO VAQUINA.

CHAPTER I

GENERAL PROVISIONS

ARTICLE 1

(Definitions)

The definitions of the terms used in this Decree are to be found in the attached Glossary, which is an integral part of the Decree.

ARTICLE 2

(Objective)

The objective of this Decree is to establish basic standards for the protection of all animal and plant species listed in the Appendices of CITES, as well as the framework of administrative and scientific authority and international trade in species.

ARTICLE 3

(Scope)

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The legal regime established in this Decree is applicable to international trade in endangered species of wild fauna and flora, included in the CITES Appendices I, II and III.

CHAPTER II

PROTECTION OF CITES SPECIES

ARTICLE 4

(Field of Application)

1. These Regulations apply to all animal and plant species listed in:
 - a) Appendix I, which lists all the species included in Appendix I of CITES,
 - b) Appendix II, which lists all the species included in Appendix II of CITES, and
 - c) Appendix III, which lists all the species included in Appendix III of CITES.
2. The Administrative Authority shall have the right to add or delete any of the species from Appendix III when these occur within the jurisdiction of the national territory.

CHAPTER III

INSTITUTIONAL FRAMEWORK

ARTICLE 5

The institutional framework for the implementation of the CITES Regulations consists of:

- a) The National Administrative Authority
- b) The Scientific Authority,
- c) The Inter Ministerial Group, and
- d) The Provincial Administrative Authority.

ARTICLE 6

(National Administrative Authority)

1. The Ministry with oversight of the Environment is the National Administrative Authority for the implementation of activities and the CITES Regulations.

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2. The National Administrative Authority of CITES exercises its functions through the National Directorate of Environmental Management, which has the following competencies:

- a) Grant permits and certificates in accordance with the CITES provisions and attach any condition it deems necessary to any permit or certificate.
- b) Communicate with the Secretariat and other countries on scientific, administrative and other issues related to the application and implementation of the Convention.
- c) Maintain files on trade in specimens and prepare an annual report on this trade and submit it to the CITES Secretariat by October 31 of the year following the year to which that report refers.
- d) Prepare a biannual report on legislative, regulatory and administrative measures taken with regard to the application and implementation of the Convention, and submit it to the CITES Secretariat by October 31 of the year following the two-year period to which that report refers.
- e) Coordinate the national implementation and application of the Convention and these Regulations and cooperate with other relevant authorities in this matter.
- f) Consult the Scientific Authority on the issuance and acceptance of CITES documents, the nature and level of trade of the species listed in CITES, the establishment and management of quotas, the registration of operators and production operations, the establishment of Safeguard Centers and the preparation of proposals for the amendment of CITES Appendices.
- g) Represent Mozambique in national and international meetings related to CITES.
- h) Promote campaigns, training, education and information concerning the Convention.
- i) Advise the Minister on action to be taken for the implementation and application of CITES.
- j) Appoint one or more Safeguard Centers for seized and confiscated live specimens.
- k) Intervene in litigations concerning the subject of these Regulations before these are sent to court.
- l) Ensure the inspection and control of entry points in the country and places of import and export of species or products covered by CITES.

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- m) Take final administrative measures with respect to the seizure of protected species in the case of violations.
3. The Administrative Authority shall designate a Focal Point for CITES, which will report to the National Directorate of Environmental Management.
4. The CITES Focal Point undertakes the ordinary management of matters relating to CITES.
5. The Ministry with oversight of the Environment is the authority responsible for licensing certificates for the import, export and re-export of species listed in Annexes I, II and III.

ARTICLE 7

(Provincial Administrative Authority)

1. The Provincial Administrative Authority shall manage CITES at local level, under the terms indicated in the articles below.
2. The powers conferred on the Provincial Administrative Authority managing CITES are the following in particular:
 - a) Analyze and grant licenses and certificates for the species listed in CITES that are not included in paragraphs a) to (d) of sub-regulation (3), in accordance with the CITES provisions, and attach any condition deemed necessary to any license or certificate.
 - b) Consult the provincial member of the National Scientific Authority on the issuance and acceptance of CITES documents and the level of trade in CITES-listed species, as well as define and manage quotas, register businesses and production operations, establish a Rescue Center and prepare proposals to amend the CITES Appendices.
 - c) Manage the use of quotas conferred under CITES.
 - d) Mark and register CITES specimens in accordance with the Convention.
 - e) Coordinate and report on the registration of individuals, institutions and facilities to the National Administration Authority of CITES, in accordance with the Convention.
 - f) Prepare and submit opinions to the National Administration Authority of CITES.
 - g) Disseminate official information on CITES at province level.
 - h) Enhance the participation of central and local state bodies in the province on issues related to CITES.

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- i) Maintain records of international trade in the sample, and prepare and present the Annual Provincial Report on the National CITES Management Authority prior to July 31, the year following the year to which the report relates.
- j) Maintain sample records of international trade and prepare and present the Annual Provincial Report on CITES to the National Administrative Authority prior to July 31 of the year following the year to which the report refers.
- k) Represent the Republic as part of the Mozambican delegation in national and international meetings related to CITES.
- l) Intervene in litigation proceedings before the provincial courts concerning any matter related to the implementation of the regulations at provincial level.

ARTICLE 8

(Scientific Authority)

1. The Scientific Authority is the body of excellence that deals with the study of flora and fauna, and which has an advisory and monitoring role for the successful implementation of the CITES Regulations.
2. The Ministry with oversight of the Environment will enter into an agreement with a Research Institution of national and international repute which will execute the above function of Scientific Authority under CITES.
3. The Scientific Authority will include the following functions:
 - a) Advise the Administration Authority on whether the proposed export of a specimen of the species included in Appendices I and II may or may not be detrimental to the survival of the species involved.
 - b) In case of a proposed import of a specimen of the species included in Appendix I, advise the Administration Authority on whether the purposes of import are or are not detrimental to the survival of the species involved in the import.
 - c) In case of a proposed import of a living specimen of the species included in Appendix I advise the Administrative Authority on whether the container proposed for the transport of the specimen meets requirements in terms of habitability and necessary care.

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- d) Monitor export licenses granted for specimens of the Appendix II species, as well as the current export licenses of those specimens, and advise the Administration Authority on suitable measures to be taken in order to limit the issuance of export licenses where it appears that the situation of the species population so requires.
- e) Advise the Administrative Authority on the sale of confiscated and forfeited specimens for the benefit of the state.
- f) Advise the Administrative Authority on any matter that the Scientific Authority considers relevant in the sphere of protecting species.
- g) Carry out all activities included in the Resolutions of the Conference of the Parties to CITES.

ARTICLE 9

(Collaboration)

It is the duty of all public authorities to cooperate fully with the National Administrative Authority in the implementation of these Regulations, i.e.:

- a) The Ministry of Agriculture,
- b) The Ministry of Tourism,
- c) The Ministry of Fisheries,
- d) The Ministry of the Interior,
- e) The Ministry of Commerce, and
- f) The Municipal Councils.

ARTICLE 10

(Inter-ministerial Group)

1. The Inter-ministerial Group for the Implementation of CITES, consists of representatives from the following sectors:
 - a) The Environment;
 - b) Agriculture;
 - c) Tourism;
 - d) Industry and Commerce;

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- e) Science and Technology;
 - f) Fisheries;
 - g) Finance;
 - h) Education;
 - i) Culture;
 - j) The Interior;
 - k) The Public Prosecutor;
 - l) Civil society;
 - m) The private sector.
2. Representatives of public or private entities, as well as specialists in the areas covered by these Regulations may be invited to the meetings of the CITES Group.
 3. The functions of the CITES Group are to:
 - a) Advise the Administrative Authority on making decisions in terms of these Regulations;
 - b) Support the Administrative Authority in preparing and updating standards in line with the national reality, based on CITES;
 - c) Ensure the exchange of information on the marketing of species or products covered by CITES;
 - d) Comment on the proposed ratification of international legal instruments that complement CITES;
 - e) Issue opinions about annual reports on the marketing of species or products covered by CITES, to be approved by the Administrative Authority;
 - f) Comment on processes or applications for the issue of import and export certificates of species covered by CITES, within the framework of its activities, as well as to review their legality;
 - g) Support the Administrative Authority in promoting training programs and awareness-raising at national level concerning matters related to the implementation of CITES;
 4. The Cites Group will be coordinated by the Administrative Authority.
 5. The organization and functioning and the specific tasks of each CITES Group member will be governed by Internal Regulations to be approved by the Administrative Authority.

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6. The CITES Group members are remunerated in the form of attendance fees.

CHAPTER IV

INTERNATIONAL TRADE CONDITIONS

SECTION I

(General Aspects)

ARTICLE 11

(Fees)

1. Fees are payable to obtain licenses and certificates concerning export, re-export and introduction from the sea of CITES species.
2. It is incumbent upon the Ministries with oversight of the area of Finance and the Environment to determine, through a Joint Order, the amount of the fees indicated in the preceding number.
3. The Council of Ministers shall determine the destination of the values obtained, but 20% will go into the CITES Special Fund.

ARTICLE 12

(Guarantee at entry and exit ports)

1. In applying these Regulations the Administrative Authority and other authorities shall, as far as possible, ensure that any formalities necessary for specimens of the species included in CITES shall take as little time as possible. In order to facilitate the above the Administrative Authority may designate ports of entry and exit in which specimens must be presented in order to comply with customs requirements.
2. The Administrative Authority will ensure that all living specimens, during any period of transit, waiting or transshipment, are managed carefully so as to minimize the risk of injury, health problems or mistreatment.

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ARTICLE 13

(Entry and Exit Ports and Airports for specimens)

The creation of entry and exit ports and airports for specimens intends to streamline clearance in order to avoid loss by death of specimens due to delays. Technicians from the forest and wildlife department who identify and deal with documents of exporters / importers in transit shall be stationed at the sites proposed or to be proposed.

ARTICLE 14

(Designation of entry and exit borders)

1. The Administrative Authority shall designate, whenever appropriate, and having consulted the Inter-ministerial Group for CITES, the air, land and sea borders for the entry and exit of the species listed in CITES.
2. The Administrative Authority shall create and update before 01 March of each year, the entry and exit ports and airports for the specimens.
3. Entry and exit ports for specimens from the national territory shall be the ports of Maputo, Beira, Nacala, Pemba and Mocímboa da Praia.

SECTION II

Exports

ARTICLE 15

(Export License)

1. The export of any specimen of the species included in Appendices I and II requires the prior concession and presentation of an export license.
2. The export of a specimen of the species included in Appendix III requires the prior concession and presentation of an export license, if the exporting country has registered the species in Appendix III, or a certificate of origin.
3. Any export license shall be granted only when the following conditions have been met:

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- a) The Administrative Authority has proof that the specimen was legally obtained.
- b) The Administrative Authority has proof that any living specimen will be prepared and shipped in accordance with the latest edition of the Regulations concerning Live Animals of the International Air Transport Association (IATA), independent of the mode of transportation, provided risks of injury, health problems and mistreatment are minimized.
- c) In the case of live specimens of species included in Appendices I and II, the Scientific Authority has concluded that there are no problems to the detriment of the specimens and has advised the Administrative Authority accordingly.
- d) In the case of specimens of species included in Appendix I, an import license has been granted by a competent authority of the country of destination.

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SECTION III

Imports

ARTICLE 16

(Import License)

1. The import of a specimen of species included in Appendix I requires the concession and presentation of an import license in advance and either an export license or a re-export certificate.
2. Any import license shall be granted only when the following conditions have been met:
 - a) The Scientific Authority has advised that the import will be for purposes which are not detrimental to the survival of the species and has proof that the proposed container for the transport of a living specimen is suitably equipped in terms of living and health conditions.
 - b) The Administrative Authority has proof that the specimen in question will not be used for purposes that are primarily commercial.
 - c) The import of a specimen of species included in Appendix II requires the prior concession and presentation of an import license, or of an export license or re-export certificate.
 - d) The import of any specimen of species included in Appendix III requires the prior concession of a certificate of origin or of an export license when the import is from the country which included the species in Appendix III, or the concession of a certificate by the country of re-export where the specimen has been processed or where the specimen is being re-exported to.

SECTION IV

Re-exports

ARTICLE 17

(Re-export certificate)

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1. Re-export of any specimen of the species included in Appendices I and II requires the concession and presentation of an export certificate in advance.
2. A re-export certificate may be granted only when the following conditions have been met:
 - a) The Administrative Authority has proof that any specimen to be re-exported has been imported in accordance with the provisions of these Regulations and CITES;
 - b) The Administrative Authority has proof that any living specimen will be prepared and shipped in accordance with the latest edition of the Regulations concerning Live Animals of the International Air Transport Association (IATA), independent of the mode of transportation, provided risks of injury, health problems and mistreatment are minimized;
 - c) In case of specimens of species included in Appendix I, the Administration Authority has proof that an import license has been granted

SECTION V

Introduction from the sea

ARTICLE 18

(Certificate of introduction from the sea)

1. The introduction from the sea of any specimen of the species included in Appendices I and II requires the prior concession and presentation of an introduction from the sea certificate.
2. An introduction from the sea certificate may be granted only when the following conditions have been met:
 - a) The Scientific Authority has advised that the introduction will not be detrimental to the survival of the species.
 - b) The Administrative Authority has proof that any specimen of a species included in Appendix I will not be used for purposes that are primarily commercial and that the

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container proposed for the transport of a live specimen is adequately equipped in terms of living and health conditions.

- c) The Administrative Authority has proof that any living specimen of a species included in Appendix II is managed such that no risk of injury, health problems or mistreatment arises.

SECTION VI

Licenses and certificates

ARTICLE 19

(Validity of licenses and certificates)

1. In order to be valid, all licenses and certificates must be in the form prescribed by the Administrative Authority and comply with the provisions of CITES and the Resolutions of the Conference of the Parties to CITES. The format of the license / certificate sample is attached, as indicated in Chapter IV.
 - a) Export licenses and re-export certificates are valid for a period of six months from the date of issue.
 - b) Import licenses for specimens of the species included in Appendix I are valid for a period of twelve months from the date of issue.
 - c) Only one single license or certificate shall be required for each consignment of specimens.
 - d) The Administrative Authority may cancel and retain the export licenses and certificates issued by the authorities of foreign countries and any corresponding import licenses.
 - e) Export licenses and certificates may not be transferred to a person other than the one whose name appears on the document.
 - f) The Administrative Authority may require applicants for licenses and certificates to provide any additional information it needs in order to decide whether or not to issue a license or certificate.

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- g) The Administrative Authority may, at its discretion, accept or deny the granting of a license or certificate subject to certain conditions.
 - h) The Administrative Authority may at any time decide to revoke or modify any license or certificate issued, when the license or certificate has been issued as a result of false or misleading statements of the applicant.
 - i) Only export licenses, re-export certificates and certificates of origin from exporting countries may be accepted for the authorization of the import of specimens of species included in Appendices I, II and III.
3. A license or certificate issued in violation of the law of a foreign country or in violation of, or contrary to, the resolutions of the Conference of the Parties to CITES shall be considered invalid.
 4. If any condition attached to the license or certificate is not in accordance with it, then the same shall be deemed invalid.

CHAPTER V

REGISTRY AND MARKET

ARTICLE 20

(Need to register as condition)

1. All persons wishing to market specimens of any of the species included in Appendix I shall do so through the Administrative Authority.
2. All persons who wish to breed animals in captivity and engage in artificial propagation of plants for commercial purposes of any of the species included in Appendix I shall be registered by the Administrative Authority.
3. All persons registered by the Administrative Authority for breeding animals in captivity or for the artificial propagation of plants shall maintain records of their breeders and of any transactions. The Administrative Authority may inspect the premises and records of people registered at any time.

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ARTICLE 21

(Special registration of the species from Appendices II and III)

1. The Minister with oversight of the Environment shall determine by dispatch, through the National Directorate of Environmental Management, the species of Appendix II or III subject to special registration. MICOA shall indicate the format of registration, the conditions to be met for registration to take place, as well as the contents of the register.
2. If the conditions for registration are not met, the registration shall be canceled.
3. Specimens of the animal species included in Appendix I that have been bred in captivity may not be marketed unless originating in a captive breeding operation registered by the Administrative Authority and having been individually and permanently marked in such a way as to present an alteration or modification of the specimens bred in captivity from unauthorized persons. The conditions for registration are determined by the Administrative Authority.

CHAPTER VI

SPECIAL PROVISIONS CONCERNING TRADE

ARTICLE 22

(Exemptions and Special Procedures)

1. Transit and transshipment. When a specimen is in transit or transshipment crossing the national territory, no additional CITES document or license or certificate is required. In all cases, transit and transshipment shall be in accordance with the transport conditions set out in these Regulations and in national customs laws.
2. The authorities applying these Regulations shall have the power to inspect any specimen in transit or transshipment, in order to make sure that the specimen is accompanied by appropriate CITES documents, and to search and seize any specimen if this is not the case:
 - a) *Pre-convention*. When the Administrative Authority has proof that the specimen of species listed in CITES was obtained before the relevant provisions of the Convention

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applied, it may grant the certificate upon request of the interested parties. No other CITES document will be necessary for the marketing of the specimen.

- b) *Scientific exchanges.* Documents referred to in Chapter IV of these Regulations shall not be required in the case of non-commercial loans, donations and exchanges between scientific institutions registered by the Administrative Authority, herbarium specimens, other specimens preserved or dried or embalmed specimens of museums, and live plant material with a tag issued and approved by the Administrative Authority
- c) *Traveling Exhibitions.* The Administrative Authority may withdraw the requirement for an import, export or re-export license or certificate and allow the movement of specimens that are part of a traveling exhibition of animals, a zoo, a circus, the administration and exhibition of plants or some other traveling exhibition, provided that the exporter or importer has given that Administration Authority all the details of such specimens, of the specimens covered by the Pre-Convention certificate or by a certificate indicating that the specimens have been bred in captivity or artificially propagated and the Administrative Authority has proof that the live specimen will be transported and cared for in such a way as to minimize the risk of injury, health problems and mistreatment.
- d) *Personal or family articles.* Provisions contained in Part 4 shall not be applied to dead specimens, parts or derivatives of the species listed in Chapters 1 and 2, when these are personal or family articles being introduced into national territory or exported or re-exported from this territory, in accordance with the rules specified by the Administrative Authority in conformity with the text of the Convention and the Resolutions of the Conference of the Parties.
- e) *Specimens born and bred in captivity or artificially propagated.* Specimens of species included in Chapter 1 that were born and bred in captivity or artificially propagated shall be treated in accordance with the provisions applicable to specimens of the species included in Appendix II.

CHAPTER VII

POWERS OF INSPECTION

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ARTICLE 23

(Scope of inspection)

1. Inspection is intended to check whether there is sufficient evidence that an infringement has been committed, and the agent may inform the competent authorities for the purpose of arresting the person(s) suspected and seizing the articles in question.
2. In the exercise of his duties an inspection agent may:
 - a) apprehend anything he reasonably suspects to be, or proof of, an infringement;
 - b) Enter establishments or vehicles he reasonably suspects to hold some specimen in violation of the provisions of these Regulations (including ports, airports, which it shall be possible to inspect at any time, including during the night).
 - c) Check what is reasonably suspected to be a specimen transported, obtained or sold in violation of the rules of these Regulations.
 - d) Check any existing records apparently related to specimens referred to in points a) and b) of this clause.
 - e) Take pictures or samples.
 - f) Inform the Police in cases which call for the arrest of the person suspected of committing an offense.
4. All assets apprehended shall be forwarded to the National Administrative Provincial Authority, if present, or to the National Administrative Authority.

ARTICLE 24

(Inspection agents)

1. Activities the objective of which is the import, export, re-export, transit or introduction through any customs post of a specimen of endangered species of wild fauna and flora, are subject to inspection undertaken by the following sectors:
 - a) Environment;
 - b) Agriculture;
 - c) Tourism;
 - d) Industry and Commerce;

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- e) Science and Technology;
 - f) Fisheries;
 - g) Finance;
 - h) Health;
 - i) Education;
 - j) Culture;
 - k) The Interior;
2. Whenever the inspection agent in exercising his functions verifies any violation of the rules set forth in these Regulations, he shall seize, comply with institutional proceedings, prepare an official report and send it to the Administrative Authority or the Provincial Administrative Authority of CITES, for the application of the relevant sanctions.

ARTICLE 25

(Seizure and destination of seized material and specimens)

1. In all cases, specimens that are the subject of an infringement shall be confiscated.
2. When an individual is convicted of an offense against these Regulations, any cage, container, boat, aircraft, vehicle, or other assets and equipment involved in or through which the offense has been committed shall be confiscated and forfeited to the State. Forfeiture in favor of the State may be in addition to another penalty applicable to the offense committed.
3. Specimens seized in accordance with these Regulations shall remain the property of the National Administrative Authority which, in consultation with the Scientific Authority, shall make the final decision concerning their destination.
4. Live specimens have the following destination:
 - a) Return to the country of origin when it is certain that the specimens are in good health, which allows them to travel,
 - b) Transfer to a Safeguard Center designated by an Administration Authority to look after live specimens, particularly those that have been confiscated under article 27 on of these Regulations,

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- c) Sale, only in the case of specimens of Appendix II and III. In this case it shall be ensured that the person(s) responsible for the offense shall not directly or indirectly benefit from the sale, and
 - d) Euthanasia of animals, having received the technical opinion of a Veterinarian.
5. Dead specimens, parts and derivatives may be delivered to the following institutions for use in technical training, education and exhibition, as CITES species:
- a) Museums and scientific research
 - b) Customs
 - c) Police
 - d) Universities
 - e) Institutes
 - f) Colleges
 - g) Sale, only in the case of specimens included in the appendices II and III of CITES.
4. Material confiscated, including containers, means of transport and other articles and equipment involved in committing the offense, are destined for:
- a) Storage, and
 - b) Destruction.
5. Costs resulting from returning species are borne by the country of origin of the species.

ARTICLE 26

Provision for seized specimens

Safeguard centers should be created to take care of live specimens confiscated and forfeited to the State, which would operate under the supervision of the Administrative Authority.

CHAPTER VIII

INFRINGEMENTS AND PENALTIES

ARTICLE 27

(General norms)

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1. The offenses provided for in these Regulations are subject to fines and accompanied by measures to confiscate, destroy, recover or mandatorily compensate for damages, without prejudice to the application of the criminal sanctions to which they give rise.
2. In duly justified cases, an alternative sentence may be applied to the offender, including work to support efforts to preserve or conserve species.
3. Failure to voluntarily pay the fine subjects the offender to the consequences provided for in criminal legislation in the jurisdiction where the offense has been committed, regardless of the other legal procedures that have been established.
4. The Ministry with oversight of the Environment undertakes the periodic updating of the fines provided for in this Decree.

ARTICLE 28

(Infringement and sanctions)

1. Infringements punishable with a fine of 1-50 public sector minimum wages are the following: the import, export, re-export, or introduction from the sea, or the attempt to import, export, re-export or introduce from the sea, any specimen of the species included in the Appendices without valid license or certificate.
2. An individual found guilty of an infringement under the preceding number of this article, will also be subject to summary conviction and the payment of a fine corresponding to three times the value of the specimen.
3. Infringements punishable with a fine of 1-40 public sector minimum wages are those where an individual has in his possession or under his control, offers or exhibits for sale or to the public, any specimen of the species included in the Appendices that have not been lawfully acquired.
4. The individual found guilty in terms of the previous number will also be subject to summary conviction and the payment of a fine corresponding to twice the value of the specimen.
5. Infringements punishable with a fine of 1-30 public sector minimum wages are those where an individual makes or consciously tries to make false or misleading statements in

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- connection with any application for a license, certificate or registration, irrespective of additional criminal proceedings corresponding to this type of conduct.
6. Infringements punishable with a fine of 1-20 public sector minimum wages are those where an individual obstructs or otherwise withholds information from an inspection agent who is performing his duties, irrespective of additional criminal proceedings corresponding to this type of conduct.
 7. Infringements punishable with a fine of 1 to 25 public sector minimum wages are those where an unauthorized individual changes, spoils or erases the mark used by the Administrative Authority to individually and permanently identify specimens.
 8. Infringements punishable with a fine of 1-50 public sector minimum wages are those where an individual fraudulently alters any license or certificate, fabricates or falsifies documents for the purpose of presenting them as a license or certificate, issues, uses or changes any document in his possession while claiming it to be a license or a certificate, irrespective of additional criminal proceedings corresponding to this type of conduct.
 9. Infringements punishable with a fine of 1-100 public sector minimum wages are those where an agent responsible for implementing these Regulations accepts an unauthorized personal payment or some other form of personal compensation to facilitate the import, export, re-export or introduction from the sea of any specimen of the species listed in the Appendices from individuals without a valid license or certificate, irrespective of additional criminal proceedings corresponding to this type of conduct.
 10. For the purpose of applying the penalties provided for in this number, the Minister with oversight of the Environment shall publish before March 31 of each year the national monetary value of the specimens listed in Annexes I, II and III.

ARTICLE 29

(Violation of conservation provisions)

The violation of the conservation provisions concerning the international trade in species of wild fauna and flora in danger of extinction, outlined in the respective annexes, is punishable by the following fines:

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- a) Annex I, 50-1000 public sector minimum wages;
- b) Annex II, 40-500 public sector minimum wages;
- c) Annex III, 30-400 public sector minimum wages.

ARTICLE 30

(Infringements committed by Public Officials)

1. Where an infringement under these Regulations has been committed by a corporate body and it is proven to have been committed with the consent or connivance, or to be attributable to neglect on the part of, a director, manager, secretary or other similar official from corporate body, or any person in charge who is deemed to have been able to act accordingly, that person as well as the corporate body shall be considered guilty, subjected to a lawsuit and punished in accordance with the disciplinary and penal measures.
2. In this article “director”, in relation to the corporate body established by or under any law to exercise the direction of public ownership of any industry or part of an industry or enterprise, being a body whose affairs are directed by its members, means a member of that corporation.

ARTICLE 31

(Charges)

1. Expenses resulting from the seizure, including costs for custody, the costs of transportation and disposal of specimens or of keeping live animals and plants during the time of seizure shall be charged to the offender, if that person is known.
2. In addition to fine imposed, the court may require the convicted offender to compensate or prohibit that person from possessing certain species or marketing or producing such species for a certain period of time.
3. Any provision may be added by calculating the value of certain species or the amount of money in accordance with the damages inflicted on the environment.

ARTICLE 32

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(Aggravating circumstances)

Aggravating circumstances in determining penalties, beyond those established in criminal legislation, are the following:

- a) Committing the offense during the closed season;
- b) Committing the offense against protected species;
- c) The offender being a state inspector, sworn inspector, community worker, employee or agent of the state, a police officer or a similar agent;
- d) Committing the offense at night or on a Sunday or holiday;
- e) Using violence, threats or in any form opposing inspection;
- f) The offender or the jointly liable person being a license holder;
- g) The use of forbidden practices, tools, techniques and skills; and
- h) Committing the offense in organized groups.

ARTICLE 33

(Attenuating circumstances)

1. Attenuating circumstances in determining penalties, beyond those established in criminal legislation, are the following:
 - a) Being a first offender;
 - b) Being an offender who spontaneously looks for inspection officials to voluntarily report damages;
 - c) Being an offender without knowledge or notion of the consequences of his acts, taking into consideration his background, educational level, socio-economic conditions and place where the person lives.
2. In general, any other circumstances that proceed, accompany or follow upon the infringement, which weaken the culpability of the agent or diminish in some way the gravity of the act.

ARTICLE 34

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(Recidivism)

1. Recidivism occurs when the offender, having been convicted by a final judgment for any offense, commits another offense of the same nature, before five years have passed since the conviction referred to, even though the penalty of the first offense was prescribed.
2. In case of recidivism, the amount and the minimum and maximum fines are doubled, the instruments used in committing the offense revert to the State and the license is revoked.
3. It may also be determined that the repeat offender, when abroad, is prevented from working in Mozambique, for up to thirty-six months.
4. Recidivism does not preclude the circumstance that the author of one of the infractions is an accomplice of another one.

ARTICLE 35

(Accumulation of infringements)

Infringements accumulate when the author commits more than one offense at the same time, or when he, having committed one, commits another one before he was condemned for the former.

ARTICLE 36

(Authors of crimes and joint liabilities)

1. The authors of crime are agents, accomplices or accessories as defined under the Penal Law.
2. The State inspector and the chartered inspector that do not take the measures provided for in this law and its regulations, as well as everyone who had the legal obligation to cooperate in the exercise of surveillance and has not done so, is punishable under the law.

ARTICLE 37

(Additional penalties)

The application of the penalties provided for in this law results in the following additional penalties:

- a) Replenishment of damages to nature, restocking of specimens.

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- b) Confiscation by the State of flora, fauna and cultural products and byproducts, without prejudice to the penalty applicable to the offense;
- c) Reversion to the State of the instruments used in committing the offense;
- d) Revocation of the license and cancellation of licenses issued in the name of the offender;
- e) Suspension of the exercise of the activities causing the infringement; and
- f) Prohibition of new authorizations for a period of one year.

ARTICLE 38

(Imprisonment)

1. Those who have undertaken the following shall be sentenced to imprisonment for up to two years and required to pay a corresponding fine:
 - a) Carries out illegal activities using firearms illegally and mechanical traps; and
 - b) Is a repeat offender.
 - c) Import, export, re-export, or introduce from the sea, or attempt to import, export, re-export or introduce from the sea, any specimen of the species included in the Appendices without a valid license or certificate.
2. The maximum term of imprisonment is doubled in the case of offenses involving species listed in Appendix I.

ARTICLE 39

(Fines and their destination)

1. The Council of Ministers establishes the values of the fines destined for the benefit of the various interested parties in the monitoring and control process under these Regulations.
2. The beneficiaries may include among other bodies: The Special Fund for CITES and the Environment Fund.

ARTICLE 40

(Destination of seized assets)

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Products, objects and instruments seized and declared forfeit to the State under this law have the following destination:

- a) Sale by public auction of products, minus the exceptions provided for in this Decree;
- b) Donation of perishable products to social institutions and nonprofit organizations as well as to local communities, after a detailed breakdown in the confiscation notice;
- c) Forwarding of live specimens of wild flora and its fauna to their zone of origin, or to the nearest conservation areas;
- d) In case the instruments used in committing the offense which are useful to conservation and other social institutions and for scientific and cultural entities, these will be donated to them if they are not claimed within a period of 15 days.

CHAPTER IX

FINANCIAL INCENTIVES AND PROVISIONS

ARTICLE 41

(Charges)

1. The costs of implementing these Regulations shall be borne by the Government, which to that end shall propose their inclusion in the State Budget.
2. The Minister with oversight of the Environment shall establish a Special Fund for the implementation and enforcement of CITES and these Regulations, including the establishment and management of the Centers for Safeguarding referred to in articles 25 and 26 of these Regulations.

CHAPTER X

FINAL AND TRANSITORY PROVISIONS

ARTICLE 42

(Final provisions)

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The Minister with oversight of the Environment shall within a period of one year from the publication of this Decree approve Ministerial Diplomas in the form of additional regulations or administrative measures necessary to fully implement the provisions of these Regulations.

ARTICLE 43

(International Cooperation)

The State shall promote cooperation in particular with the other countries of the region as well as with international organizations for the sharing of best practices in the various domains of the implementation of CITES.

ARTICLE 44

(Entry into force)

This Decree enters into force on the date of publication.

APPROVED BY THE COUNCIL OF MINISTERS, ON XX/XX/XXXX

THE PRIME MINISTER, XXXXX

ANNEX

GLOSSARY

1. **Appendices.** The species covered by CITES are listed in three Appendices, in accordance with the degree of protection they need:

Appendix I: Includes endangered species. Trade in specimens of these species is permitted only in exceptional circumstances.

Appendix II: Includes species not necessarily threatened with extinction, but trade in which must be controlled to avoid utilization incompatible with their survival.

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- Appendix III:** Contains species that are protected in at least one country, which has asked other CITES member states for assistance in controlling the trade. Changes to Appendix III follow a procedure distinct from the changes of Appendix I and II because each Party is itself responsible for making amendments unilaterally.
2. **Artificially propagated:** Refers only to plants grown under controlled environmental conditions concerning seeds, cuttings, divisions, stems, callus tissues or other plant tissues, spores or other propagating material from grown reproductive plants.
 3. **Controlled environment:** Environment manipulated by man for the purpose of producing animals of a particular species, with limitations designed to prevent the entry or exit of animals, eggs or gametes from the controlled environment, whose general characteristics may include, but are not limited to, artificial housing, waste removal, health care, protection against predators and artificial food supply.
 4. **Seizure:** usually refers to a temporary appropriation of specimens by an inspection agent.
 5. **Authority for applying the Regulations:** Means an inspection agent of forestry, wildlife or fisheries, a police officer or a customs officer or any person designated by the Minister with the authority to enforce these Regulations.
 6. **Administrative Authority:** A national administrative body designated in accordance with a) of paragraph 1 of article IX of CITES.
 7. **Personal or family articles:** Dead specimens and parts or derivatives which are privately owned by an individual or that are, or deemed to be, part of their normal possessions.
 8. **Scientific Authority:** A national body of scientists appointed in accordance with Article IX of CITES.

C

9. **Bred in captivity:** Refers only to offspring (or young) including eggs, born or otherwise produced in a controlled breeding environment that have mated or otherwise transmitted their gametes in a controlled environment, as defined in the Resolutions of the Parties to the Conference.
10. **Certificate of Origin:** A document that allows the export of specimens of the species included in Appendix III, when such specimens originate from a country not included.

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11. **CITES:** Is the Convention on International Trade in Endangered Species of Wild Fauna and Flora, held in Washington, DC on March 3, 1973, as amended in Bonn on June 22, 1979.
12. **Conference of the Parties:** The Conference of the Parties is a great event planned in accordance with number 2 of article XI of the Convention on International Trade in Endangered Species of Wild Fauna and Flora - CITES, which every two years brings together all Member States of the Convention, to:
 - a) Examine the progress in restoring and conserving the species listed in Annexes I, II and III;
 - b) Examine the amendments of Annexes I and II and adopt them in accordance with article XV;
 - c) Receive and consider any reports presented by the Secretariat or by any of the Member States;
 - d) Take any necessary measures to enable the Secretariat to carry out its functions; and
 - e) If deemed appropriate, make recommendations for improving the application of the Convention.
13. **Domestic Trade:** Any commercial activity including, but not limited to, selling, purchasing and manufacturing, within the territory under national jurisdiction.
14. **International Trade:** Any export and re-export under the customs regulations and the regulations concerning introduction from the sea.
15. **Conclusion on legal acquisition:** The conclusion by the Administrative Authority of the Exporting State to determine whether the specimens have been acquired in compliance with national laws.
16. **Pre-Convention Certificate:** Pre-conventions for a specimen may vary, depending on the date on which a Party joined CITES or on the strictness of national legislation of a country.
17. **Center for Safeguarding:** An institution designated by a Administration Authority to look after live specimens, particularly those that have been confiscated, in accordance with Article VIII of paragraph 5 of the Convention.
18. **Conditions under control:** Means an unnatural environment that is intensively manipulated by human intervention for the purpose of plant production. The general characteristics of this

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type of environment may include, but are not be limited to, plowing, fertilizing, weeding and disease control, irrigation or nursery preparation activities such as putting plants in pots, ridges or protection from the wind.

19. **Seizure and forfeiture to the State:** Means the permanent appropriation of specimens by court order.

D

20. **Derived:** Means, in relation to an animal, plant or other organism, any part, tissue or extract of an animal, plant or other organism, whether fresh, preserved or processed, and it includes any compound derived from such party, tissue or extract.

E

21. **Exports:** Means the act of removing any specimen out of national jurisdiction.

22. **Invasive/alien species:** Species deliberately or unintentionally introduced outside their natural habitat where they have the ability to establish themselves, invade, compete with native species and conquer new environments.

23. **Species:** Include any species, subspecies or population geographically separated from it.

24. **Specimen:**

- a) Any animal or plant, whether alive or dead, of the specimens of species included in Appendices I, II and III of CITES.
- b) Any part or derivative in a companion document, package, mark or label, or arising out of any other circumstances, that seems to be part of or derivative from an animal or plant species included in Appendices I, II and II, unless such part or derivative is specifically exempted from the provisions of the Convention.

25. **Label:** Piece of metal for the identification of ornamental, salted or finished crocodile skin, placed in the international market by the countries of origin

F

26. **Primary commercial purposes:** Means all purposes whose non-commercial aspects do not clearly predominate.

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I

27. **Import:** Means (land on or try to land on,) bring into or introduce into any place subject to the jurisdiction of a State, and not transit or transship, any specimen of the species listed in the CITES appendices.
28. **Introduction from the sea:** Means to transport within a country specimens of any species that have been taken from the marine environment outside the jurisdiction of any State, including the airspace above the sea, the maritime cradle and the subsoil beneath the sea.

L

29. **License or certificate:** official document used to authorize the import, export, re-export or introduction from the sea of specimens of the species included in the CITES appendices. Must comply with the requirements of CITES and the Resolutions of the Conference of the Parties or otherwise shall be deemed invalid.

O

30. **Offer for sale:** Offer for sale or any action which might be construed as such, including advertising or the making of publicity for a sale and the invitation to negotiate.

M

31. **Minister:** The Minister responsible for matters relating to the coordination of environmental action.

P

30. **Country of Origin:** Country in which the species has been collected in the wild or where it has been born or bred in captivity or artificially propagated or introduced coming from the sea.
31. **Readily recognizable part or derivative:** Includes specimens in a companion document, package, mark or label, or arising out of any other circumstances, that seems to be part of or derivative from an animal or plant of the species included in the Appendices, unless such part

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or derivative is specifically exempted from the provisions of the Convention and these Regulations.

Q

32. Quota: Prescribed number or quantity of specimens that can be collected, exported or otherwise used in a specific period of time.

R

33. Cultivated Reproduction Plants: Means the set of plants grown in controlled environmental conditions that are used for reproduction and which, for the satisfaction of the designated CITES authorities of the exporting country, shall have been established in accordance with the CITES provisions and relevant laws, not detrimental to the survival of this species in nature, and maintained in sufficient quantities for propagation in order to minimize or eliminate the need for increased harvesting from nature, which can occur only as an exception and in limited quantities needed to maintain the vigor and productivity of cultivated reproduction..

34. Label: Piece of paper, cardboard or other material containing the letters “CITES” and issued or approved by the Administrative Authority for the identification of contents such as herbarium specimens, preserved, dried or embalmed museum specimens or live plant material for scientific study. It includes the name and address of the sending institution and the codes of exporting and importing institutions, plus the signature of the responsible institution official who registered the scientific study.

35. Re-export: Means the export of any specimen that has already been imported

S

36. Secretariat of CITES: Executive body of CITES, with headquarters in Geneva, Switzerland.

U

37. Non-detrimental usage: A conclusion of the Scientific Authority warning to the effect that a proposed export or introduction from the sea of specimens of Appendices I or II will not be

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detrimental to the survival of the species, and that the proposed import of a specimen of Appendix I will not be detrimental to the survival of the species.

T

38. Transshipment: Transshipment procedures as defined by the National Customs Regulations.

39. Court: Means the Court of Magistrates or Summary Jurisdiction.

40. Hunting trophy: Means any horn, piece of ivory, tooth, claw, hoof, skin, leather, hair, bristles, feathers, egg shell or other durable portion whatsoever of any animal, whether processed or not, which is recognizable as durable part of that animal.

41. Transit: The transit procedures as defined by the National Customs Regulations.

V

42. Sale: Any form of selling. For the purposes of these Regulations, hiring and barter will be considered as selling and expressions like this (that is trading, transition, among others).

ANNEXES

Annex 1 - List of all species of animals and plants recorded in Appendix I of CITES.

Annex 2 - List of all species of animals and plants recorded in Appendix II of CITES.

Annex 3 - List of all species of animals and plants recorded in Appendix III of CITES.

Annex 4 - Samples of the license printed format and instructions

Annex 5 - For licenses/certificates, registration, among other things

List of fees

Annex 6 – Breeding of wild animals in captivity

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The term “bred in captivity” should be construed so as to only refer to offspring, including eggs, born or otherwise produced in a controlled environment either by reproducers that have mated or transferred their gametes to a controlled environment. The reserve of reproducers must meet the requirements of the relevant competent authorities of the country (Conference Resolution 2:12, CITES Magazine).

Registry of species bred in captivity

- 1.- Location (indicate Avenue/Street door nr., Neighborhood/town/village, district and province);
- 2.- Full identification of the owner (provide details)
- 3.- Objective (e.g. commercial/estimation purposes)
- 4.- Name of the species to be bred (e.g. Crocodile/rhino/ostrich)
- 5.- Source (e.g. collected in nature/imported)
- 6.- Nr. of reproducers.
 - a) Females
 - b) Males
 - c) Offspring/eggs

Annex 6

The term “artificially propagated” should be construed so as to refer only to plants grown from seeds, cuttings, divisions or from other plant tissues; spores or other propagating material under *controlled conditions* (Resolution 9:18 of the CITES Conference).

The reserve of cultivated reproducing plants used to artificial propagation shall be:

- a) Established and maintained in a manner not detrimental to the survival of the species in nature; and
- b) Managed in such a way that the long-term maintenance of this reserve of cultivated reproducing plants is guaranteed.

Registry of artificially propagated species

- 1.- Location (indicate Avenue/Street door nr., Neighborhood/town/village, district and province);
- 2.- Full identification of the owner (provide details)
- 3.- Objective (e.g. commercial/estimation purposes)

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4.- Name of the species to be propagated (e.g. Aloe/Encephalartos/Eufórbia)

5.- Source (e.g. collected in nature/imported)

6.- Nr. of reproducers.