



## NOTIFICATION TO THE PARTIES

No. 2016/066

Geneva, 13 December 2016

CONCERNING:

### Format for legislative timetables

#### National laws for the implementation of the Convention

1. The CITES National Legislation Project (NLP) was established in 1992 by Resolution Conf. 8.4 (Rev. CoP15). The two-fold purpose of the NLP is to identify those Parties whose domestic measures do not provide them with the authority to implement the Convention effectively, and to assist those Parties in strengthening their legislation.
2. At its 17th meeting, the Conference of the Parties adopted the following Decisions directed to the Parties with legislation in category 2 or 3<sup>1</sup> on *National laws for implementation of the Convention*:

#### ***Directed to Parties***

17.58 *Parties whose legislation is in Category 2 or 3 under the National Legislation Project (NLP) are urged to submit to the Secretariat as soon as possible, and no later than by the 70th meeting of the Standing Committee, in one of the three working languages of the Convention, details of appropriate measures that have been adopted for the effective implementation of the Convention. Such Parties are called on to provide an update of their legislative progress by the 69th meeting of the Standing Committee.*

17.59 *Such Parties are urged to submit to the Secretariat by 3 January 2017 (i.e. 90 days after the 17th meeting of the Conference of the Parties) a legislative timetable, to be agreed with the Secretariat, if they have not already done so. Such timetables should clearly set out the steps that the Party commits to take in order to adopt appropriate measures to implement the Convention; relevant actors; deadlines and outputs, based on the format provided by the Secretariat.*

3. In accordance with these decisions, a format to assist the Parties concerned in the preparation of the legislative timetables to be submitted to the Secretariat is included in the Annex to this Notification. The format is also available on the National legislation section of the CITES website: <https://cites.org/legislation>. Concerned Parties are requested to indicate in the timetable the procedures, action and timeframes that are envisaged in order to adopt, as a matter of highest priority, the measures necessary for the effective implementation of the Convention. Some Parties have already agreed legislative timetables with the Secretariat and, in accordance with the Decision; do not need to submit timetables. Timetables agreed prior to the last meeting of the Standing Committee are available in document SC67 Inf. 1, which can be found on the National legislation section of the CITES website.

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<sup>1</sup> *The latest list of Parties whose legislation is in Category 2 or 3 and are therefore concerned by this Decision can be found in Table 1 of document CoP17 Doc. 22 Annex 3 (Rev.1) and on the National legislation section of the CITES website (<https://cites.org/legislation>).*

4. The Conference of the Parties also adopted the following Decisions directed to the Standing Committee:

***Directed to the Standing Committee***

17.61 *At its 69th meeting, the Standing Committee shall review the progress of Parties in adopting appropriate measures for effective implementation of the Convention and submission of agreed timetables and take appropriate compliance measures with regard to Parties affected by Decision 17.58 that have failed to submit an appropriate legislative timetable in accordance with Decision 17.59. The Standing Committee shall identify Parties requiring attention as a priority, with the assistance of the Secretariat.*

5. The 69th meeting of the Standing Committee is expected to take place in early December 2017. At this meeting, the Secretariat will report on progress made by Parties in order for the Standing Committee to review this progress and take appropriate compliance measures.
6. Parties with legislation in Category 2 or 3 are therefore reminded of the need to:
- a) Submit a legislative timetable to the Secretariat by **3 January 2017** (if they have not already done so) based on the format in the Annex; and
  - b) Keep the Secretariat informed of legislative progress at any time and no later than **1 September 2017** in preparation of the next meeting of the Standing Committee.
7. Parties concerned by this Notification are reminded of the CITES legislative guidance materials available online at the CITES website: <https://cites.org/legislation>.

## Annex

CITES Legislative Timetable agreed between [ ] and the CITES Secretariat

The legal form of enactment will be [legislative] [regulatory] in nature.

It is designed to meet all four basic requirements for CITES legislation for the legislation to be placed in Category 1 under the NLP:

- i) designation of CITES authorities (legal designation, powers and responsibilities, relationships with other agencies);
- ii) prohibition of trade in violation of the Convention (coverage of all CITES species and provision for regular amendment, coverage of all specimens and types of trade, permit/certificate scheme);
- iii) penalization of illegal trade (clear offences, adequate and appropriate penalties); and
- iv) power to confiscate specimens illegally traded or possessed.

The schedule for preparing draft legislation, undertaking consultations and revisions of the draft as well as legislative and administrative steps and the time-frame for adoption of the legislation and the corresponding outputs is as follows:

Action	Agencies to be engaged	Deadline	Output

Signature of the Management Authority (MA):

Signature on behalf of the CITES Secretariat:

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Signature on behalf of the Ministry designating the MA:

Date: \_\_\_\_\_

## GUIDANCE

The schedule for transmittal of draft legislation to the Secretariat for comments, legislative and administrative steps could include the following steps depending on where the Party is in the process at the time of signature.

EXAMPLES of actions (processes and procedures vary from country and may include different steps)

Initial draft law/regulations (enabling law and implementing legislation can be prepared simultaneously)
Initial consultation
Revised draft legislation
Broad stakeholder consultations
Submission to CITES Secretariat for comments
Finalization of draft
Submission to Cabinet
Final preparation of legislation for submission to Parliament
Consideration and passing by Parliament
Signature and gazetting

The form of enactment can be legislative (involving the legislature) or regulatory (ministerial decree, statutory order etc.) – or both.

Agencies to be engaged could include:

- Natural resources agencies (forestry, fisheries etc.)
- Scientific authorities
- Office of the Attorney General (or equivalent)
- Enforcement authorities (customs, police, inspection agencies)

Broader consultation could involve also:

- local and rural communities
- private sector
- academia
- special interest groups and non-governmental organizations

Deadlines should reflect the need for swift and sustained action and be realistic.

Pieces accepted as evidence of progress made include *inter alia*:

- The initial draft, revised drafts and final draft of the legislative texts
- Summary records of meeting(s)
- Transmittal documents (consultation, to Cabinet etc.)
- Final laws and regulations published in the official Gazette

The signed legislative timetable should be scanned and submitted to the Secretariat by e-mail ([info@cites.org](mailto:info@cites.org) and [sofie.flensburg@cites.org](mailto:sofie.flensburg@cites.org)) for agreement and signature by the Secretary-General. In case of doubt, a draft plan may be submitted informally for consultation.