GOVERNMENT NOTICE NO. 72

NATIONAL PARKS AND WILDLIFE ACT

(CAP.66:07)

NATIONAL PARKS AND WILDLIFE (IMPORT, EXPORT AND RE-EXPORT) REGULATIONS, 2018

IN EXERCISE of the powers conferred by section 99 of the National Parks and Wildlife Act, I, AGGREY MASI, Minister of Natural Resources, Energy and Mining, after consulting the Minister of Industry and Trade, make the following Regulations—

PART I—PRELIMINARY

Citation

1. These Regulations may be cited as the National Parks and Wildlife (Import, Export and Re-Export) Regulations, 2018.

Interpretation

2. In these Regulations, unless the context requires otherwise—

"export" has the meaning ascribed to it under the Customs and Excise Act; Cap. 42:01

"import" has the meaning ascribed to it under the Customs and Excise Act; and Cap. 42:01

"permit" means a licence to import, export or re-export any specimen of game species, protected species, endangered species or listed species issued under regulation.

Acts prohibited without a permit

3.—(1) A person shall not import, export or re-export any specimen of game species, protected species, endangered species or listed species, unless he is in possession of an import, export or re-export permit in the form set out in the Schedule hereto.

(2) An export permit shall only be issued upon—

(*a*) production of a—

(i) written clearance from a Scientific Authority that such export is not detrimental to the survival of the species;

(ii) written clearance from a Management Authority that the specimen was not obtained in contravention of the laws of Malawi;

(iii) in case of live specimens, clearance from a management authority that the live specimens shall be so prepared and shipped so as not to contravene the laws of Malawi or international standards; and

(iv) in the case of specimens of species listed in Appendix 1 of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, an import permit from the importing country; and

(*b*) payment of a fee prescribed in the Second Schedule hereto.

(3) A re-export permit shall only be issued upon—

(*a*) production of a—

(i) written clearance from a Management Authority that the specimen was imported in accordance with the laws of Malawi and the Convention on International Trade in Endangered Species of Wild Fauna and Flora;

(ii) written clearance from a Management Authority that the live specimens shall be so prepared and shipped in contravention of the laws of Malawi or international standards; and

(iii) in the case of specimens of species listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, an import permit from the importing country; and

(*b*) payment of a fee prescribed in the Second Schedule hereto.

(4) An import permit shall only be issued upon—

(*a*) production of—

(i) written clearance from a Scientific Authority that such export is not detrimental to the survival of the species;

(ii) in case of any living specimen, a written clearance from a Scientific Authority that the applicant is suitably equipped to house and care for the specimen;

(iii) in the case of species included in Appendix III of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, a prior presentation of a certificate of origin or an export permit or a certificate of re-export; and

(iv) in the case of specimens of species listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, a clearance from a management authority that the specimen will not be used for primarily commercial purposes; and

(*b*) payment of a fee prescribed in the Second Schedule hereto.

Importer to retain documentation

5. The importer shall, during the importation of any specimens of protected species, endangered species or listed species, retain custody of all the necessary documentation as proof of legal ownership of those specimens.

Validity of permit

6. Unless otherwise provided, a permit issued under regulation 3 shall be valid for a single importation, exportation or re-exportation.

SCHEDULE (para. 3(1)

IMPORT, EXPORT AND RE-EXPORT PERMIT

1. EXPORT □ RE-EXPORT □ IMPORT □ OTHER □:
2. Valid until.....
   (*a*) signature and printed name of the applicant
   .....
   .....
3. Importer (Full Name) .....
   (*a*) country of import .....
   (*b*) importer national identity number and /or passport number.....
   (*c*) physical address.....
   (*d*) postal address.....
4. Exporter/re-exporter (Full Name)—
   (*a*) country of import .....
   (*b*) importer national identity number and /or passport number.....
   (*c*) physical address.....

(*d*) postal address.....

5. Special conditions

For live animals, this permit or certificate is only valid if the transport conditions conform to the CITES Guidelines for transport or, in the case of air transport, to the IATA Live Animals Regulations.

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(*a*) purpose of the transaction

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.....

(*b*) official DNPW security stamp no.

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6. Name, address, national seal/stamp and country of management authority

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Instructions for following Sections

7./8. Scientific name (genus and species) and common name of animal or plant (See Appendix 1 for the translations)

9. Description of specimens, including identifying marks or numbers (age/sex if live)

10. Appendix no. and source (see reverse)

11. Quantity (including unit)

(*a*) total exported/quota

Species A

7./8 .....

.....

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9. .....

.....

.....

10. .....

11. .....

(*a*) .....

12. Country of origin * Permit no.

.....

.....

Date (*a*) .....

Country of last re-export Certificate no.: .....

Date.....

(*b*) No. of the operation** .....or date of acquisition*** .....

Species B

7./8 .....

.....

9. .....

.....

10. .....

11. .....

(*a*) .....

12. Country of origin * Permit no. .....

.....

Date (*a*) .....

Country of last re-export Certificate no.: .....

Date .....

(*b*) No. of the operation** .....or date of acquisition*** .....

Species C

7./8 .....

.....

9. .....

.....

10. .....

11. .....

(*a*) .....

12. Country of origin* Permit no.

.....

.....

Date (*a*) .....

Country of last re-export Certificate no.: .....

Date.....

(*b*) No. of the operation** .....

or date of acquisition*** ... .

Species D

7./8 .....

.....

9 .....

.....

10. .....

11. .....

(*a*) .....

12. Country of origin * Permit no.

.....

.....

Date (*a*) .....

Country of last re-export Certificate no.. .....

Date.....

(*b*) No. of the operation **.....

or date of acquisition*** .....

Notes

*Country in which the specimens were taken from the wild, bred in captivity or artificially propagated (only in case of re-export)

** Only for specimens of Appendix-I Species bred in captivity or artificially propagated for commercial purposes

*** For pre-Convention specimens

13. This permit/certificate is issued by: .....

.....

Place ..... Date.....

Security stamp:

Signature and official seal.....

14. Export endorsement:

15. Bill of Lading/Air waybill number: .....

Port of export .....

Date..... Signature.....

Official stamp:

and title:.....

Right Thumb print of Importer/ Exporter/Re-Exporter:

Passport Photo of Importer/Exporter/Re-Exporter:

(REVERSE SIDE OF THE IMPORT/EXPORT/RE-EXPORT PERMIT)

INSTRUCTIONS AND EXPLANATIONS

(These correspond to the numbers on the form)

1. Tick the square which corresponds to the type of document issued (export permit, re-export certificate, import permit or other). If the box "other" has been ticked, the type of document must be indicated. The original number is a unique number allocated to each document by the management authority.
2. For export permits and re-export certificates, the date of expiry of the document may not be more than six months after the date of issuance (one year for import permits).

   (*a*) include full name and signature
3. Complete name and address of the importer.

   (*a*) the name of the country must be written in full.
4. Complete name and address of the exporter/re-exporter.
5. The name of the country must be stated. The absence of the signature of the applicant renders the permit or certificate invalid.

   Special conditions may refer to national legislation or special conditions placed on the shipment by the issuing management authority. This box can also be used to justify the omission of certain information.

   (*a*) the following codes should be used—

   T for commercial;

   Z for zoos;

   G for botanical gardens;

   Q for circuses and travelling exhibitions;

   S for scientific purposes;

   H for hunting trophies;

   P for personal;

   M for medical;

   E for education;

   N for reintroduction or introduction into the wild;

   B for breeding in captivity or artificial propagation; and

   L for law enforcement / judicial / forensic.

(*b*) indicate the number of the security stamp affixed in box 13.

6. The name, address and country of the issuing management authority should already be printed on the form.

7-8. Indicate the scientific name (genus and species, where appropriate subspecies) of the animal or plant as it appears in the Convention Appendices or the reference lists a pproved by the Conference of the Parties, and the common name of the animal or plant as known in the country issuing the permit.

9. Describe, as precisely as possible, the specimens entering trade (live animals, skins, flanks, wallets, shoes, etc.). If a specimen is marked (tags, identifying marks, rings, etc.), whether or not this is required by a Resolution of the Conference of the Parties (specimens originating in a ranching operation, specimens subject to quotas approved by the Conference of the Parties, specimens of Appendix-I species bred in captivity for commercial purposes, etc.), indicate the number and type of mark. The sex and age of the live animals should be recorded, if possible.

10. Enter the number of the Appendix of the Convention (I, II or III) in which the species is listed. Use the following codes to indicate the source: W Specimens taken from the wild R Specimens originating from a ranching operation D Appendix-I animals bred in captivity for commercial purposes and Appendix-I plants artificially propagated for commercial purposes, as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 4, of the Convention A Plants that are artificially propagated in accordance with Resolution Conf. 11.11 (Rev. CoP14), paragraph a), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been propagated artificially for non-commercial purposes and specimens of species included in Appendices II and III) C Animals bred in captivity in accordance with Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof, exported under the provisions of Article VII, paragraph 5 (specimens of species included in Appendix I that have been bred in captivity for noncommercial purposes and specimens of species included in Appendices II and III) F Animals born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity' in Resolution Conf. 10.16 (Rev.), as well as parts and derivatives thereof U Source unknown (must be justified) I confiscated or seized specimens O Pre-Convention (may be used with other source codes).

11. The quantity and units indicated should conform to the most recent version of the Guidelines for the preparation and submission of CITES annual reports.

    (*a*) Indicate the total number of specimens exported in the current calendar year (1 January to 31 December) (including those covered by the present permit) and the current annual quota for the species concerned (for example 500/1000). This should be done for the national quotas as well as for those determined by the Conference of the Parties.

12. The country of origin is the country in which the specimens were taken from the wild, bred in captivity or artificially propagated, except in the case of plant specimens that cease to qualify for an exemption from the provisions of CITES. In such instances, the country of origin is deemed to be the country in which the specimens ceased to qualify for the exemption. Indicate the number of the permit or certificate of the exporting country and the date of issuance. If all or part of the information is not

known, this should be justified in box 5. This box must only be completed in case of re-exports.

(*a*) the country of last re-export is the country from which the specimens were re-exported before entering the country in which the present document is issued. Enter the number of the re-export certificate of the country of last re-export and its date of issuance. If all or part of the information is not known, this should be justified in box 5. This box must only be completed in case of re-export of specimens previously re-exported.

(*b*) the "No. of the operation" is the number of the registered captive-breeding or artificial propagation operation. The "date of acquisition" is defined in Resolution Conf. 13.6 and is required only for pre-Convention specimens.

13. To be completed by the official who issues the permit. The name of the official must be written in full. The security stamp must be affixed in this box and must be cancelled by the signature of the issuing official and a stamp or seal. The seal, signature and security-stamp number should be clearly legible.

14. To be completed by the official who inspects the shipment at the time of export or re-export. Enter the quantities of specimens actually exported or re-exported. Strike out the unused boxes.

15. Enter the number of the bill of lading or air way-bill if the method of transport used requires the use of such a document. The document must be written in one of the three working languages of the Convention (English, Spanish or French) or must include a full translation into one of these three languages. Exported and re-exported specimens should not appear on the same document unless it is clearly indicated which specimens are being exported and which re-exported.

AFTER USE THIS DOCUMENT MUST BE RETURNED TO A MANAGEMENT AUTHORITY OF THE IMPORTING COUNTRY.

SECOND SCHEDULE

NATIONAL PARKS AND WILDLIFE

(CAP. 66:07)

NATIONAL PARKS AND WILDLIFE (IMPORT, EXPORT AND RE-EXPORT) REGULATIONS

IMPORT, EXPORT AND RE-EXPORT PERMIT FEES

Matter	*Fees*	
	K	*t*
1. Import	30,000	00
2. Export	30,000	00
3. Re-export	30,000	00

Made this 23rd day of July, 2018.

A. C. MASI
Minister of Natural Resources, Energy and Mining

(FILE NO. BL/100)