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[LEGAL NOTICE No. 64]

ENDANGERED AND PROTECTED SPECIES ACT 2002 (ACT No. 29 OF 2002)

ENDANGERED AND PROTECTED SPECIES REGULATIONS 2003

In exercise of the powers conferred upon me by section 35 of the Act, I make these Regulations –

Citation

1. These Regulations may be cited as the Endangered and Protected Species Regulations 2003.

Fees

2. - (1) Fees for the purpose of the Act are set out in Schedule 1.
- (2) Subject to subregulation (3), any application made under the Act must be accompanied by the prescribed fee.
- (3) Any application for approval for exemption made under section 20(2) relating to specimens to export personal or household effects are exempted from fees.

Forms

3. - (1) The forms for the purposes of the Act are set out in Schedule 2.
- (2) An application for a CITES permit or certificate must be made in Form No. 1 as set out in Schedule 2.
- (3) An application for a non-CITES permit must be made in Form No. 2 as set out in Schedule 2.
- (4) A CITES permit or certificate must be issued in Form No.3 as set out in Schedule 2.
- (5) A non-CITES permit must be issued in Form No.4 as set out in Schedule 2.

Registration of trades

4. An application for registration of a person to trade under the Act in any specimen of species must be made in Form No. 5 as set out in Schedule 2.

Registration of captive breeders and artificial propagators

5. An application for registration of a person to undertake captive breeding or artificial propagation under the Act must be made in Form No.6 as set out in Schedule 2.

Export quotas

6. The Scientific Council may, by notice in the *Gazette*, determine the annual export quotas in respect of each endangered or protected species.

Categories of permits and certificates for Appendices I to III

7. The categories of permits or certificates for species listed in Appendices I to III are -
 - (a) CITES import permits;
 - (b) CITES export permits;
 - (c) CITES re-export certificates;
 - (d) CITES certificate of re-introduction from the sea;
 - (e) CITES certificate of exemption for the purposes of section 20 of the Act.

Other conditions for CITES permits or certificates

8. - (1) The Management Authority must not issue an import permit for a living specimen listed in Appendix I, unless it is satisfied that the proposed recipient of a living specimen is suitably equipped to house and care for the specimen and the specimen will not be used primarily for commercial purposes.
- (2) The Management Authority must not issue an import permit for a specimen listed in Appendix III, unless it is satisfied that the shipment is accompanied by a valid certificate of origin issue by the relevant CITES authority of the exporting country in accordance with the laws of that country for protection of *fauna* and *flora* and CITES.

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- (3) The Management Authority must not issue a certificate of introduction from the sea for a species listed in Appendix I unless the Council has advised the Authority that the introduction from the sea will not be detrimental to the survival of that species.

Conditions for exemptions

9. - (1) For the purposes of section 20 of the Act, 'Personal or household effects' includes specimens that are –
- (a) personally owned or possessed for non-commercial purposes;
 - (b) acquired legally; and
 - (c) when imported, exported or re-exported either worn or carried or included in personal baggage or in part of a household move.
- (2) The exemption of personal and household effects does not apply -
- (a) in the case of specimens of a species included in Appendix I, to specimens acquired by the owner outside his country of usual residence, and are being imported into his country of usual residence; or
 - (b) in the case of specimens of species in Appendix II –
 - (i) to specimens acquired by the owner outside his country of usual residence and in a country where removal from the wild occurred;
 - (ii) to specimens being imported into the owner's country of usual residence; and
 - (iii) to the country where removal from the wild occurred requires the prior grant of export permits before any export of such specimens unless the Management Authority is satisfied that the specimens were acquired before the provisions of the present Convention applied to such specimens;
- (3) A visitor may export not more than a total of only 2 items of specimens of either helioporidae (blue coral), antipatharia (black coral), tubiporidae (organ-pipe coral), scleractinia (stony coral), milleporidae (fire coral) or stylasteridae (lace coral) as a personal effect under section 20 of the Act only if -
- (a) the visitor acquired the specimens legally; and
 - (b) the specimens were beach-washed.
- (4) For the purposes of section 20 of the Act, no CITES certificate of exemption shall be granted to take out of the Fiji Islands more than 3 specimens of *Physeter catodon* (Sperm whale) tooth (*tabua*) unless -
- (a) they are taken out for traditional or cultural purposes only; and
 - (b) with the prior written approval of the Permanent Secretary responsible for Fijian Affairs.
- (5) The Permanent Secretary responsible for Fijian Affairs may, in special circumstances, approve more than 3 specimens of *Physeter catodon* (Sperm Whale) tooth (*tabua*) to be taken out of the Fiji Islands under subregulation (4).
- (6) A person who -
- (a) contravenes subregulation (3) or (4); or
 - (b) takes out of the Fiji Islands more than 3 specimens of *Physeter catodon* (sperm whale) tooth (*tabua*) contrary to subregulation (5),
- commits an offence and is liable on conviction to a fine of \$2,000 or imprisonment for 2 years.

Procedures for appeal

- 10.- (1) For the purpose of section 32 of the Act (appeal to the Minister and to the Authority), an application for appeal must be in writing setting out the following –
- (a) the name and address of the appellant;
 - (b) the date and nature of the decisions subject to appeal;
 - (c) the grounds of appeal; and
 - (d) signed by or on behalf of the appellant.
- (2) The application must be accompanied by the prescribed fee.

Dated this day of November 2003.

M. RAGIGIA
Minister for Local Government,
Housing, Squatter Settlement and Environment

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SCHEDULE I
(Regulation 2)

FEES

<i>No.</i>	<i>Subject</i>	<i>\$(VIP)</i>
1	Application for a CITES import permit/certificate	15.00
2	Application for a CITES export permit/certificate	30.00
3	Application for re-export certificate.....	15.00
4	Application for certificate of introduction from the sea.....	15.00
5	Application for approval by the Permanent Secretary for Fijian Affairs.....	30.00
6	Application for registration to trade in species.....	15.00
7	Certificate of Registration to Trade	1,000
8	Application for captive breeders/ artificial propagators for commercial purposes	15.00
9	Certificate of Registration for commercial purposes.....	1,000
10	Application for captive breeders/ artificial propagators for non-commercial purposes	10.00
11	Certificate of Registration for non-commercial purposes	10.00
12	Notice of appeals	15.00



Convention on
International Trade
in Endangered Species
of Wild Fauna &
Flora



FORM 1

Government of Fiji

APPLICATION FOR CITES PERMIT

1 Name: (Mr/Mrs/Ms): _____ Date: _____

Phone: (Work/Home): _____ Fax : _____

E-mail address: _____

2 Purpose of Application: *(please tick)*

Export Import Re-export Other

3.(a) Country of Origin: _____ b) Country of Destination: _____

Name & Address of Exporter:

Phone : _____

E-mail: _____

Name & Address of Importer:

Phone: _____

E-mail: _____

4 Item/Specimen

Scientific name: _____

Common Name: _____

Condition of specimen *(please tick below)*

Live Dead Whole Part

Derivative

5 Any other relevant information (not limited to Section 16(e)):

6 Details of the quantity, source, purpose and proof of legal acquisition should be provided as a separate attachment to this application, in the format specified in the Annex to Form 2

7 Signature of Applicant: _____

For Office Use Only

8 Approved *(please tick)*

Yes No

Fees Paid *(please tick)*

Yes No

Permit No. _____

Date: _____

Signature of Officer: _____

Name of Officer: _____

**APPLICATION FOR A PERMIT TO IMPORT, EXPORT
A& RE-EXPORT SPECIES LISTED UNDER SCHEDULE
1 AND 2 OF THE ACT.**



GOVERNMENT OF FIJI

FORM 2

1. Name of Applicant (Mr/Mrs/Ms): _____

Phone contact (Work/Office): _____ Fax : _____

E-mail address: _____

2. Purpose of Export: (please tick)

Export : Import: Re-export: Other :

3. (a) Country of Origin: _____ b) Country of Destination: _____

Name & Address of Exporter:

Name & Address of Importer

Phone: _____

Phone: _____

E-mail: _____

E-mail : _____

4. Item/Specimen

Scientific name: _____

Common name: _____

Condition of the specimen (please tick below)

Live: Dead: Whole : Part: Derivative:

5. Any other relevant information

6. Details of the quantity, source, purpose and proof of legal acquisition should be provided as a attachment to this application, in the format specified in the Annex to Form 2.

7. Signature of Applicant : _____ Date : _____

For Office Use Only

8: Approved (please tick)
Yes No

Fees Paid (please tick)
Yes No

Permit No.: _____ Date : _____

Name of Officer : _____ Signature of Officer: _____



**CONVENTION ON
INTERNATIONAL TRADE IN
ENDANGERED SPECIES OF
WILD FAUNA AND FLORA**



GOVERNMENT OF FIJI

ORIGINAL
ISSUED WITHOUT ALTERATION OR ERASURE

VALID UNTIL:

1 EXPORT RE-EXPORT IMPORT OTHER 2

3. Importer (Name, Address, Country)

4. Exporter (name and address, country)

3a. Country of Import

Signature of the Applicant

5. Special Conditions

6. Name, address, national seal/stamp and country of Management Authority


 DEPARTMENT OF ENVIRONMENT FIJI


Department of Environment
 PO Box 2131
 Government Buildings
 Suva
 Fiji Islands

Phone (67-9) 331 1699
 Fax: (67-9) 331 2879
 E-mail: biodiversity@connect.com.fj

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

5a. Purpose of the transaction (see reverse)

5b. Security Stamp No.

7. SCIENTIFIC NAME	8. COMMON NAME	9. DESCRIPTION	10. APPENDIX & SOURCE	11. QUANTITY & UNIT	11a. TOTAL EXPORT/QUOTA
					

12 Country of Origin	Permit No.	Date	12a Country of last re-export	Certificate No	Date	12.b

13 This permit is issued by:

Name of Officer Place Date Security stamp, signature and official seal

14. EXPORT ENDORSEMENT: 15 Bill of Landing/Air Waybill Number:

Port of Export Date Name of Officer Signature Official stamp and title



ENDANGERED & PROTECTED SPECIES ACT 2002
PERMIT TO TRADE IN SPECIES LISTED IN SCHEDULE 1 OR 2

PERMIT No. _____

FORM 4

ORIGINAL
 ISSUED WITHOUT ALTERATION OR ERASURE

GOVERNMENT OF FIJI

VALID UNTIL: _____

EXPORT IMPORT RE-EXPORT OTHER



Department of Environment
 PO Box 2131
 Government Buildings
 Suva
 Fiji Islands
 Phone: (679) 3311699
 Fax: (679) 3312879
 E-mail: biodiversity@connect.com.fj

Importer (Name, Address & Country of Import)

Purpose of Trade

Exporter (Name, address & Country of Export)

SCIENTIFIC NAME	COMMON NAME	DESCRIPTION	SCHEDULE & SOURCE	QUANTITY & UNIT	TOTAL EXPORT/ QUOTA
-----------------	-------------	-------------	-------------------	-----------------	---------------------

Sample Permit Only

Country of Origin _____ Permit No. _____ Date _____

Remarks :

This permit is issued by:

 Name of Officer Place Date Signature and official seal

EXPORT ENDORSEMENT: Bill of Landing/Air Waybill Number: _____

 Port of Export Date Name of Officer Signature Official stamp and title

PERMIT No. _____

This permit is not valid for trade in specimens of species listed in the CITES Appendices

9. Classification : Purpose of Trade

Commercial Trade	:	T
Zoos	:	Z
Botanical Gardens	:	G
Circuses and Traveling Exhibitions	:	Q
Scientific	:	S
Biomedical Research	:	M
Educational	:	E
Reintroduction or introduction into the Wild	:	N
Breeding in captivity or artificial propagation	:	B

10. Applicant(s) shall provide the following information:

- a. Date of establishment;
- b. Financial Statement(s);
- c. Description of facilities;
- d. Historical background;

11. Persons or enterprises shall be required to submit legal or technical documents in support of their application.

12. Registration shall be valid for a period of one year only and shall be reviewed on application or re-application, which, as the case may be, appropriate. All application shall be accompanied with the requisite fee.

13. Persons or enterprises are required to maintain relevant records and to make them available upon request for inspection by the CITES Management Authority.

14. Persons or enterprises are required to inform the CITES Management Authority of any significant changes in their business, for example, species to be traded, relocation of facilities, etc.

15. The CITES Management Authority reserves the right to require the person or enterprise to re-register or to cancel the registration of the person or enterprise.

16. Have you, the applicant, been convicted of an offence under the Endangered and Protected Species Act (2002) or have you, the applicant, been committed of any offence related to trade in wildlife specimens in the last 5 years:

- No
- Yes.

If yes, please provide details:

.....
.....
.....

Other information, as may be relevant to this application to trade:

.....
.....
.....

Signature of Applicant

For Office Use Only

Approved (*please tick*)

YES NO

Fees Paid (*please tick*)

YES NO

Registration Number:

Date:

Signature of Officer:

Name of Officer:

Receipt No
.....

FORM 6

**APPLICATION FOR REGISTRATION OF OPERATIONS TO UNDERTAKE
CAPTIVE BREEDING AND/OR ARTIFICIAL PROPAGATION
(Section 22(4))**

PART A

- 1 Name of individual/ Company: _____
2. Describe type of business (including any other business operating under the above management)

3. Name of Contact Person: _____ Position: _____
4. Address of place of business: _____

5. Registered postal address: _____

6. Telephone No. _____ Fax No. _____ Mobile: _____
Email: _____
7. Is the applicant applying for the first time? Yes / No (circle answer)

PART B

8.a. I, _____ hereby apply for registration to breed in captivity* or artificial propagate the following (for corals and “live rock” see 8.b.) –

(a) Species to be bred in captivity or artificially propagated

Scientific Name	Common Name	Purpose

8.b. I, _____ hereby apply for registration to engage in production systems for corals and/or “live rock”.

Those persons engaging in the production of corals or "Live rock" should provide details in the space and according to the definitions provided in Annex I.

9. Classification : Purpose

- a. Commercial Trade: T
- b. Zoos: Z
- c. Botanical Gardens: G
- d. Circuses and Traveling Exhibitions: Q
- e. Scientific: S
- f. Biomedical Research: M
- g. Educational: E
- h. Reintroduction or introduction into the Wild: N
- i. Breeding in captivity or artificial propagation: B

- 10. Applicant(s) shall provide the following information:
 - i. Date of establishment;
 - ii. Financial Statement(s);
 - iii. Description of facilities and production techniques;
 - iv. Historical background;
 - v. Source of parental stock; and
 - vi. Quantities expected to be produced.
- 11. Person(s) or enterprises shall be required to submit legal and/or technical documents in support of their application.
- 12. Persons or enterprises engaged in captive breeding, artificial propagation and/or production of coral and/or "live rock" are required to maintain relevant records, pursuant to Section 22 (5), such as stock records, and to make them available upon request for inspection by the CITES Management Authority.
- 13. Persons or enterprises engaged in captive breeding, artificial propagation and/or production of coral and/or "live rock" must inform the CITES Management Authority of any significant changes in their operation.
- 14. The CITES Management Authority reserves the right to require the person or enterprise to re-register or to cancel the registration of the person or enterprise.
- 15. Registration shall be valid for a period of one year only and shall be reviewed on application or re-application, which, as the case may be, appropriate. All application(s) shall be accompanied with the requisite fee.
- 16. Have you, the applicant, been convicted of an offence under the Endangered and Protected Species Act (2002) or have you, the applicant, been committed of any offence related to trade in wildlife specimens in the last 5 years:
No
Yes.

If yes, please provide details:
.....
.....
.....
.....

Other information, as may be relevant to this application to Captive Breeding/Artificial Propagation:
.....
.....
.....

Signature of Applicant

For Office Use Only

Approved (*please tick*)

YES NO

Fees Paid (*please tick*)

YES NO

Registration Number :

Date:

Signature of Officer :

Name of Officer: :

Receipt No :

Form 6 - ANNEX

Coral Production

Persons or enterprises engaged in the production of corals are required to provide a description of the methods used and an estimate of annual production.

Coral Production

Refer to descriptions below for appropriate description of method of production

Scientific Name	Common Name	Method of Production	Production / year (pc)

CORAL PRODUCTION SYSTEMS

The systems described below are those described in the report of the Coral Working Group, established under the CITES Animals Committee, submitted at the 18th Meeting of the CITES Animals Committee, April 2002.

The codes specified below are for information and registration purposes only and are not applicable on CITES permits or certificates.

1. Coral mariculture or coral farming (Code: CM): The maintenance and growth of wild coral clippings, nubbins or fragments in raised pens, rope or wire racks, or other artificial enclosures/retaining devices placed in the marine environment that are used to optimize coral growth and discourage predation. This indicates that the specimens are propagated in the ocean and there is no physical barrier between the marine environment and the coral specimens in question. Coral farming operations generally do not produce “cultured” or “ranching” corals as defined below because they typically maintain and grow out wild corals.
2. Coral ranching (Code : CR): The rearing of whole corals, colonies, polyps, fragments, clippings, nubbins, or larvae taken from the wild in a controlled environment. Coral ranching can also refer to the practice of bringing wild corals into captivity until they spawn, then repatriating them to their normal wild habitat. In this latter production system, the larvae obtained through captive spawning are subsequently reared and grown in a controlled environment. This practice may involve the rearing of high mortality life

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Estimated Annual Production of “live rock” (kg) :