

Conf. 9.9

Confiscation of specimens exported or re-exported in violation of the Convention

RECALLING that Article VIII, paragraph 1 (b), of the Convention states that the Parties shall take appropriate measures to provide for the confiscation or return to the State of export of specimens traded in violation of the Convention;

RECOGNIZING that the return by the importing Party to the State of export or re-export of specimens that have been traded in violation of the Convention may result later in such specimens being entered into illegal trade unless measures are taken by the Parties concerned to prevent this;

AWARE that, when specimens are exported or re-exported in violation of the Convention, the only enforcement action taken against the exporter is often the confiscation of such specimens by the importing Party;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

- a) when specimens are exported or re-exported in violation of the Convention, importing Parties:
 - i) consider that the seizure and confiscation of such specimens are generally preferable to the definitive refusal of the import of the specimens; and
 - ii) notify as soon as possible the Management Authority of the State from which the specimens were consigned of the violation and of any enforcement actions taken concerning the specimens; and
- b) when the import of specimens that have been exported or re-exported in violation of the Convention is refused by the country to which the specimens are consigned, the exporting or re-exporting Party take the measures necessary to ensure that such specimens are not re-entered into illegal trade, including monitoring their return to the country and providing for their confiscation.