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PART II

Statutory Notifications (S. R. O.)

GOVERNMENT OF PAKISTAN

MINISTRY OF CLIMATE CHANGE

NOTIFICATION

Islamabad, the 27th December, 2018

S.R.O. 1639(I)/2018.— In exercise of the powers conferred by section 28 of the Pakistan Trade Control of Wild Fauna and Flora Act, 2012 (XIV of 2012), the Federal Government is pleased to make the following rules, namely:—

1. **Short title and commencement.**—(1) These rules may be called the Pakistan Trade Control of Wild Fauna and Flora Rules, 2018.

(2) These rules shall come into force at once.

2. **Definitions.**—(1) In these rules, unless there is anything repugnant in the subject or context,—

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[8050(2018)/Ex. Gaz.]

(a) "Act" means the Pakistan Trade Control of Wild Fauna and Flora Act 2012 (XIV of 2012);

(b) "certificate" or "permit" or "licence" means the official document used to authorize import, export, re-export, or introduction from the land, sea or air of specimens of species or their parts and derivatives listed in Appendices I, II or III of the Convention and covered by any other law;

(c) "enforcement authority" means provincial wildlife departments or any other department duly authorized by the Federal Government for application of the Act and these rules;

(d) "readily recognizable part or derivative" means any specimen which appears from an accompanying document, packaging, mark, label, deoxyribonucleic acid (DNA) or from any other circumstances, to be a part or derivative of a wild animal or plant;

(e) "rescue or rehabilitation centre" means a center designated by the Federal or a Provincial Government as the case may be, to look after the welfare of living specimen, particularly those that have been confiscated;

(f) "specimen" any animal or plant, whether whole or a part, alive or dead and any readily recognizable part or derivative thereof specified in any Appendix of the Convention in relation to the species; and

(g) "trade" means export, re-export, import and introduction from the sea.

(2) All other terms and expressions used but not defined in these rules shall have the same meanings as are assigned to them in Act, and the United Nation Convention on International Trade in Endangered Species of Wild Fauna and Flora 1973.

3. **Management Authority.**—(1) For the purposes of this Act the Management Authority shall be as follows, namely:

S.No.	Organization	Designation
(1)	(2)	(3)
1	Federal Minister of the Division concerned.	Chairman
2	Secretary, of the Division concerned.	Vice-Chairman
3	Inspector General Forests.	Member-*cum*-Secretary

4	Secretary, Forest, Wildlife and Fisheries Department, Government of Punjab.	*Member*
5	Secretary, Forest and Wildlife Department, Government of Sindh.	*Member*
6	Secretary, Environment Department, Government of Khyber Pakhtunkhwa.	*Member*
7	Secretary, Forests and Wildlife Department, Government of Balochistan.	*Member*
8	Secretary, Forests, Wildlife and Fisheries Department, Government of Azad Jammu and Kashmir.	*Member*
9	Secretary, Forest, Wildlife and Environment Department, Government of Gilgit-Baltistan.	*Member*
10	Chairman, Capital Development Authority.	*Member*
11	A representative not below the rank of regional head from International Union for Conservation of Nature and Natural Resources-Pakistan (IUCN -Pakistan).	*Member*
12	A representative not below the rank of Director of World Wide Fund for Nature (WWF-Pakistan).	*Member*
13	A prominent Non-Official member of civil society from each province or territory nominated by the Division concerned on the recommendation of the province or territory concerned.	*Member*

(2) The Management Authority shall meet at least once a year unless earlier required.

(3) The Division concerned on the recommendation of Management Authority shall designate an office to provide secretariat support including inter-agency coordination.

(4) The Management Authority shall perform all the requisite duties under the Act and which includes the following, namely:—

(a) to consider issuing of licence or permit or certificate throughout Pakistan relating to import, export, re-export and certificate of origin of any species listed in any Appendix of the Convention and the local legislation or policy, and to attach any condition to any permit or certificate that it may deem necessary;

(b) to seek and act on the advice of Scientific Authority to exercise its functions relating to implementation of the Act and the rules made thereunder;

(c) to communicate with the CITES Secretariat and the Management and Enforcement Authorities of other Parties to the Convention on scientific, administrative, enforcement and other issues related to implementation of the Convention;

(d) to maintain records of international trade in specimens, as per the provisions of section 22 of the Act, and prepare an annual report concerning trade, and timely submit this report to the Convention Secretariat;

(e) to prepare a biennial report on legislative, regulatory and administrative measures taken to enforce the Convention, and timely submit this report to the CITES Secretariat;

(f) to coordinate national implementation and enforcement of the Convention and these rules and to cooperate with relevant Federal and Provincial authorities and other stakeholders in this regard;

(g) to consult with the Scientific Authority on the issuance and acceptance of Convention documents, the nature and level of trade in species listed in the Convention, the setting and management of quotas, the registration of traders and production operations, the establishment of Rescue or Rehabilitation Centers and the preparation of proposals to amend the Convention Appendices;

(h) to represent Pakistan at national and international meetings related to Convention and any related matters;

(i) to develop and provide awareness-raising, capacity-building, training, education material and information related to the Convention;

(j) to advise on designation of one or more rescue or rehabilitation centre for seized and confiscated living specimens;

(k) to provide capacity building opportunities and any other facility or resources to any confiscating authorities including return of the confiscated consignment from other country, and safe-keeping and release into wild of the live specimen;

(l) in consultation with Scientific Authority and Convention secretariat, provide necessary advice or instructions including resources for safe disposal of confiscated consignment of dead specimen or derivatives;

(m) to provide technical advice to the court of law and to the enforcement authority in any matter under the Act and these rules;

(n) to coordinate requirements and allocation of annual export quota allotted to provinces and other territories; and

(o) to perform any other function which the Federal Government may authorize to carry out the objectives of the Act.

4. **Scientific Authority.**—(1) A Scientific Authority may be constituted in each Province and region of Pakistan with Provincial Forest and Wildlife Department as its focal point. The Scientific Authority may include the following on the basis of requisite scientific information, namely:—

(i) Department of Zoology of relevant universities in the Province or region;

(ii) Department of Botany of relevant universities in the Province or region;

(iii) fisheries departments, Inland and Marine;

(iv) independent Wildlife and Forestry experts or researchers; and

(v) any other relevant agency or individual.

(2) The Scientific Authority shall render advice after consultation with relevant scientific experts or agencies to the Management Authority as required by the Convention.

5. **Export.**—(1) The export of any specimen of species included in any Appendix of Convention and non-listed species shall require the prior grant and presentation of a valid export permit or certificate of origin issued by the Management Authority in accordance with the provisions of section 5 of the Act, after obtaining a no objection certificate (NOC) issued by the respective Provincial Wildlife Department.

(2) Any person desirous of trading in specimens shall present permit, certificate for clearance only at the designated Customs ports of entry and exit, as

specified in Annexure-I through which Convention listed and non-listed species can be imported, exported or re-exported only.

6. **Import.**—(l) The import into Pakistan of any specimen of species included in any Appendix of Convention shall require the prior presentation of an import permit or NOC issued by the Management Authority and either export permit or re-export permit or certificate of origin issued by the country of export.

(2) The import permit for import into Pakistan of any specimen of species included in Appendix-I of the Convention and NOC for Appendix-II or III of the Convention, into Pakistan, shall be granted in accordance with the provisions of section 6 of the Act. To mitigate spread of any contagious disease, the Management Authority may take such actions as deemed appropriate, subject to the advice of Scientific Authority.

7. **Re-export.**—The re-export from Pakistan, of any specimen of species included in any Appendix of the Convention, shall require the prior grant and presentation of a valid re-export permit issued by the Management Authority in accordance with the provisions of section 7 of the Act.

8. **Introduction from the Sea.**—The introduction from the sea of any specimen of species included in any Appendix of Convention shall require prior permission and presentation of a permit or certificate issued in accordance with the provisions of section 8 of the Act.

9. **Permit, no objection certificate and certificate.**—(1) The permit, certificate and NOC granted under the Act and these Rules shall be issued by CITES Management Authority with the deposit of prescribed fees.

10. **Registration.**—(1) Any firm or person who wishes to trade specimens of any species listed in Appendices of Convention and non-listed species internationally shall have prior registration with the Management Authority on recommendation of Provincial or relevant authorities and with the deposit of prescribed fees.

11. **Enforcement.**—(1) The Management Authority shall monitor the enforcement by an enforcement authority authorized under the Act.

(2) For registration of a case at least two officials of the concerned Provincial Wildlife Department in the case of fauna, and at least one official from concerned Provincial Forestry Department in case of flora shall be nominated to act as the authorized persons to register a case under the Act.

(3) The Federal and Provincial Governments may make provisions in their annual non-development budget to facilitate implementation of this Act, and prosecution of the case registered under the Act.

ANNEX-I

[*see* rule 6]

List of Land Ports, Airports and Harbors designated for Import, Export and Re-Export

1. **Land Ports**

(a) All International land or dry ports of Pakistan.

(b) Pak-China Border Post, Khunjerab Pass;

(c) Pak-Afghan Border Post, Khyber Pass;

(d) Pak-Afghan Border Post, Chaman;

(e) Pak-India Border Post, Wagah Post;

(f) Pak-India Border Post, Khokhrapar Post;

(g) Pak-Iran Border Post, Taftan Post; and

(h) Pak-Iran Border Post, Mand Post.

2. **Airports and Harbors**

(a) all International Airports of Pakistan; and

(b) all International Seaports of Pakistan.

[File No. 18-3/96-CC.]

EHSAN-UL-HAQ,
Deputy Secretary (Admin-II).

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