23.49 What are the requirements for an exhibition traveling internationally?
23.50 What are the requirements for a sample collection covered by an ATA carnet?
23.51 What are the requirements for issuing a partially completed CITES document?
23.52 What are the requirements for replacing a lost, damaged, stolen, or accidentally destroyed CITES document?
23.53 What are the requirements for obtaining a retrospective CITES document?
23.54 How long is a U.S. or foreign CITES document valid?
23.55 How may I use a CITES specimen after import into the United States?
23.56 What U.S. CITES document conditions do I need to follow?

Subpart D—Factors Considered in Making Certain Findings

23.60 What factors are considered in making a legal acquisition finding?
23.61 What factors are considered in making a non-detriment finding?
23.62 What factors are considered in making a finding of not for primarily commercial purposes?
23.63 What factors are considered in making a finding that an animal is bred in captivity?
23.64 What factors are considered in making a finding that a plant is artificially propagated?
23.65 What factors are considered in making a finding that an applicant is suitably equipped to house and care for a live specimen?

Subpart E—International Trade in Certain Specimens

23.68 How can I trade internationally in roots of American ginseng?
23.69 How can I trade internationally in fur skins and fur skin products of bobcat, river otter, Canada lynx, gray wolf, and brown bear?
23.70 How can I trade internationally in American alligator and other crocodilian skins, parts, and products?
23.71 How can I trade internationally in sturgeon caviar?
23.72 How can I trade internationally in plants?
23.73 How can I trade internationally in timber?
23.74 How can I trade internationally in personal sport-hunted trophies?

Subpart F—Disposal of Confiscated Wildlife and Plants

23.78 What happens to confiscated wildlife and plants?
23.79 How may I participate in the Plant Rescue Center Program?

Subpart G—CITES Administration

23.84 What are the roles of the Secretariat and the committees?
23.85 What is a meeting of the Conference of the Parties (CoP)?
23.86 How can I obtain information on a CoP?
23.87 How does the United States develop documents and negotiating positions for a CoP?
23.88 What are the resolutions and decisions of the CoP?

Subpart H—Lists of Species

23.89 What are the criteria for listing species in Appendix I or II?
23.90 What are the criteria for listing species in Appendix III?
23.91 How do I find out if a species is listed?
23.92 Are any wildlife or plants, and their parts, products, or derivatives, exempt?


SOURCE: 72 FR 48448, Aug. 23, 2007, unless otherwise noted.

Subpart A—Introduction

§ 23.1 What are the purposes of these regulations and CITES?

(a) Treaty. The regulations in this part implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora, also known as CITES, the Convention, the Treaty, or the Washington Convention, TIAS (Treaties and Other International Acts Series) 8249.

(b) Purpose. The aim of CITES is to regulate international trade in wildlife and plants, including parts, products, and derivatives, to ensure it is legal and does not threaten the survival of species in the wild. Parties, recognize that:

(1) Wildlife and plants are an irreplaceable part of the natural systems of the earth and must be protected for this and future generations.

(2) The value of wildlife and plants is ever-growing from the viewpoints of aesthetics, science, culture, recreation, and economics.

(3) Although countries should be the best protectors of their own wildlife and plants, international cooperation is essential to protect wildlife and
§ 23.2 How do I decide if these regulations apply to my shipment or me?

Answer the following questions to decide if the regulations in this part apply to your proposed activity:

<table>
<thead>
<tr>
<th>Question on proposed activity</th>
<th>Answer and action</th>
</tr>
</thead>
</table>
| (a) Is the wildlife or plant species (including parts, products, derivatives, whether wild-collected, or born or propagated in a controlled environment) listed in Appendix I, II, or III of CITES (see §23.91)? | (1) YES. Continue to paragraph (b) of this section.  
(2) NO. The regulations in this part do not apply. |
| (b) Is the wildlife or plant specimen exempted from CITES (see §23.92)? | (1) YES. The regulations in this part do not apply.  
(2) NO. Continue to paragraph (c) of this section. |
| (c) Do you want to import, export, re-export, engage in international trade, or introduce from the sea? | (1) YES. The regulations in this part apply.  
(2) NO. Continue to paragraph (d) of this section. |
| (d) Was the specimen that you possess or want to enter into intrastate or interstate commerce unlawfully acquired, illegally traded, or otherwise subject to conditions set out on a CITES document that authorized import? | (1) YES. The regulations in this part apply. See §23.13(c) and (d) and sections 6(c)(1) and 11(a) and (b) of the ESA (16 U.S.C. 1538(c)(1) and 1540(a) and (b)).  
(2) NO. The regulations in this part do not apply. |

§ 23.3 What other wildlife and plant regulations may apply?

(a) You may need to comply with other regulations in this subchapter that require a permit or have additional restrictions. Many CITES species are also covered by one or more parts of this subchapter or title and have additional requirements:

1. Part 15 (exotic birds).
2. Part 16 (injurious wildlife).
3. Parts 17 of this subchapter and 222, 223, and 224 of this title (endangered and threatened species).
4. Parts 18 of this subchapter and 216 of this title (marine mammals).
5. Part 20 (migratory bird hunting).
6. Part 21 (migratory birds).
7. Part 22 (bald and golden eagles).
8. If you are applying for a permit, you must comply with the general permit procedures in part 13 of this subchapter. Definitions and a list of birds protected under the Migratory Bird Treaty Act can be found in part 10 of this subchapter.
9. If you are importing (including introduction from the sea), exporting, or re-exporting wildlife or plants, you must comply with the regulations in part 14 of this subchapter for wildlife or part 24 of this subchapter for plants. Activities with plants are also regulated by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS) and Department of Homeland Security, U.S. Customs and Border Protection (CBP), in 7 CFR parts 319, 355, and 356.
10. You may also need to comply with other Federal, State, tribal, or local requirements.

§ 23.4 What are Appendices I, II, and III?

Species are listed by the Parties in one of three Appendices to the Treaty (see subpart H of this part), each of which provides a different level of protection and is subject to different requirements. Parties regulate trade in specimens of Appendix-I, -II, and -III species and their parts, products, and derivatives through a system of permits and certificates (CITES documents). Such documents enable Parties to monitor the effects of the volume and type of trade to ensure trade is legal and not detrimental to the survival of the species.

(a) Appendix I includes species threatened with extinction that are or may be affected by trade. Trade in Appendix-I specimens may take place only in exceptional circumstances.

(b) Appendix II includes species that are not presently threatened with extinction, but may become so if their trade is not regulated. It also includes