

May 15, 2014

When the final revisions to CITES regulations implementing the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) go into effect, the “use-after-import” regulation (§ 23.55) will read as outlined in the table below. The changes will be effective 30 days after publication of the final rule in the Federal Register. Please check www.fws.gov/international/wildlife-trafficking for updates on the publication and effective date.

§ 23.55 How may I use a CITES specimen after import into the United States?

In addition to the provisions in § 23.3, you may only use CITES specimens after import into the United States for the following purposes:

If the species is listed in	Allowed use within the United States
<p>(a) Appendix I, except for specimens imported with a CITES exemption document listed in paragraph (d) of this section.</p> <p>(b) Appendix II with an annotation for noncommercial purposes where other specimens of that species are treated as if listed in Appendix I.</p> <p>(c) Appendix II without an annotation for noncommercial purposes, or Appendix III, and threatened under the ESA, except as provided in a special rule in §§ 17.40 through 17.48 or under a permit granted under §§ 17.32 or 17.52.</p>	<p>The specimen may be used only for noncommercial purposes (see § 23.5).</p> <p><i>Exception:</i></p> <p>If the specimen was lawfully imported, with no restrictions on its use after import, before the species was listed as described in paragraphs (a), (b), and (c) of this section, you may continue to use the specimen as indicated for paragraphs (d), (e) and (f) of this section provided you can clearly demonstrate (using written records or other documentary evidence) that your specimen was imported prior to the CITES listing, with no restrictions on its use after import. If you are unable to clearly demonstrate that this exception applies, the specimen may be used only for noncommercial purposes.</p>
<p>(d) Appendix I, and imported with a CITES exemption document as follows:</p> <ul style="list-style-type: none">(1) U.S.-issued certificate for personally owned wildlife.(2) Pre-Convention certificate.	<p>The specimen may be used for any lawful purpose, except if the regulations in this part or other parts of the subchapter or a permit condition allowed the import only for noncommercial purposes, then the import and subsequent use must be only for noncommercial purposes.</p>

(3) Export permit or re-export certificate for wildlife from a registered commercial breeding operation.

(4) Export permit or re-export certificate for a plant from a registered nursery or under a permit with a source of "D."

(5) Certificate for artificially propagated plants with a source code of "A" for artificially propagated hybrid specimens derived from one or more unannotated Appendix-I species or other taxa.

(6) U.S.-issued traveling-exhibition certificate.

(e) Appendix II, other than those in paragraphs (b) and (c) of this section.

(f) Appendix III, other than those in paragraph (c) of this section.