

REGULATION OF THE MINISTER OF FORESTRY
No. 447/Kpts-II/2003

CONCERNING
ADMINISTRATION DIRECTIVE OF HARVEST OR CAPTURE AND
DISTRIBUTION OF THE SPECIMENS OF WILD PLANT AND ANIMAL
SPECIES

MINISTER OF FORESTRY,

Considering :

- a. that the Government Regulation No. 8/1999 has provided regulations concerning Utilization of Wild Plants and Animals Species;
- b. that Utilization of Wild Plants and Animals Species shall be based on the precautionary principle and non-detriment findings as set out in Article III, IV and V of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- c. that in accordance with further implementation of the provisions of particularly Article 4 paragraph (3), Article 8 paragraph (2), Article 18 paragraph (2), Article 29, Article 42 and Article 49 of the Government Regulation referred to in clause a, it shall be established a Regulation of the Minister of Forestry concerning Administration Directive for Harvest or Capture and the Distribution of the Specimens of Wild Plant and Animal Species.

In view of :

- 1. Law No. 5/1990 concerning Conservation Living Sources and Their Ecosystems;
- 2. Law No. 5/1994 concerning the Accession to the United Nations Convention on Biological Diversity;
- 3. Law No. 10/1995 concerning Customs;
- 4. Law No. 23/1997 concerning Environmental Management;
- 5. Law No. 22/1999 concerning the Local Government;
- 6. Law No. 41/1999 concerning the Forestry;
- 7. Government Regulation No. 13/1994 concerning Hunting of Animals;

- 8. Government Regulation No. 59/1998 concerning Tariff on Non Tax Revenue in the Ministry of Forestry and Estate Crops;
- 9. Government Regulation No. 7/1999 concerning Preservation of Plants and Animals Species;
- 10. Government Regulation No. 8/1999 concerning Utilization of Wild Plants and Animals Species;
- 11. Government Regulation No. 25/2000 concerning Central Government Authority and Provincial Government Authority as Autonomous Regions;
- 12. Regulation of the President of the Republic of Indonesia No. 43/1978 concerning the Accession to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES);
- 13. Regulation of the President of the Republic of Indonesia No. 102/2001 concerning Position, Duty, Function, Authority, Organizational Structure and the Framework of Departments;
- 14. Regulation of the President of the Republic of Indonesia No. 109/2001 concerning Organization Units and Duty for Echelon I in the Departments;
- 15. Regulation of the President of the Republic of Indonesia No. 228/M/2001 concerning Formation of the "Gotong Royong" Cabinet;
- 16. Regulation of the Minister of Forestry No. 123/Kpts-II/2001 concerning Organization and the Framework of the Ministry of Forestry;
- 17. Regulation of the Minister of Forestry No. 104/Kpts-II/2003 concerning Designation of the Director General of Forest Protection and Nature Conservation as the Implementing Management Authority of CITES.

DECIDES :

To stipulate :

REGULATION OF THE MINISTER OF FORESTRY CONCERNING
ADMINISTRATION DIRECTIVE FOR THE HARVEST OR CAPTURE
AND DISTRIBUTION OF THE SPECIMENS OF WILD PLANT AND
ANIMAL SPECIES

CHAPTER I GENERAL PROVISION

Part One Definitions

Article 1

For the purpose of this decree, unless otherwise stated, the definition of:

- 1. Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) means an international Convention (multilateral agreement) which aims to support conservation of the population in the wild habitat through international control of trade in the specimens of wild plants and animals species;
- 2. CITES provisions means all provisions, in the forms of the text of the Convention, Resolutions of the Conference of the Parties and the Decisions of the Conference of the Parties and Recommendations of the Permanent Committees to CITES, namely Standing, Animals and Plants Committees, which among others, transmitted through Notification of the CITES Secretariat, and legally binding to the Parties to CITES;
- 3. Species of plants or animals means scientifically known species or sub-species, within or outside their habitats;
- 4. Appendix-I species includes all species threatened by extinction as international utilization shall be restricted to a non-commercial and exceptional circumstances under a special permission;
- 5. Appendix-II species includes species not necessarily threatened with extinction, but for which international trade must be controlled to avoid their becoming threatened;
- 6. Appendix-III species includes species protected in a country and which international cooperation is needed to control international trade;
- 7. Specimen of wild plants and animals species means the physical condition of the plants or animals, whether alive or dead, or any readily recognizable parts and derivatives thereof, or any product stated on the labels of packaging or container to contain parts or derivatives of plants or animals origin;

- 8. Population inventory means activity to collect field data for the purpose to predict the population status of a species, in certain area, at a certain time using scientifically accepted method;
- 9. Population monitoring means activity to collect field data for the purpose to understand the population trends as the consequence of harvest or capture of specimens of plants or animals, undertaken in periodical basis using scientifically accepted method;
- 10. Harvest of wild plants means activity to obtain specimens of wild plants for utilization purposes;
- 11. Capture of wild animals means activity to obtain specimens of wild animals for utilization purposes, except hunting of hunting animals;
- 12. Captive management means efforts to produce specimens of plants or animals through captive breeding, artificial propagation and ranching, while always maintaining the originality of the species;
- 13. Quota means a maximum limit in the form of maximum number and or limitation in size of plants or animals to be harvested or captured from the wild habitat for utilization purposes, valid for one calendar year;
- 14. Distribution of specimens of wild plants and animals means any activity for distribution of specimens of plants and animals which may include transport, keeping, collection of plants or animals specimens harvested or captured from the wild, or from the captive management, including from the wild-based population management for the utilization purposes;
- 15. Export means any activity of taking or shipping or transporting from any places within the jurisdiction of the Republic of Indonesia to a foreign country of any specimen of wild plant or animal species harvested or captured from the wild habitat or sourced from captive management operations, including wild-based population management operations, produced in the Indonesian territory, whether for commercial or non-commercial purposes;
- 16. Import means any activity of introduction into the jurisdiction of the Republic of Indonesia any specimen of wild plants or animals

from foreign countries, whether for commercial or non-commercial purposes;

- 17. Re-export means export of specimens previously imported or introduced from the sea whether for commercial or non-commercial purposes;
- 18. Introduction from the sea means introduction into the Indonesian territory any specimens of wild plant or animal species included in the CITES Appendices, which were taken from the marine environment not under the jurisdiction of any country;
- 19. Association of wild plants and animals users means a non-profit organization whose members consist of companies and business units holding permits for commercial domestic or foreign distribution and utilization of plants and animals species;
- 20. Non-government Organization is non-government organizations whose works are specialized on the conservation of biological natural resources;
- 21. Head of Regional Office, unless otherwise stated, means the head of Provincial Office of Natural Resources Conservation, an implementing unit of the Directorate General in the provincial level;
- 22. Scientific Authority means institution, which holds authority, under the current legislation, to provide scientific advices in the framework of sustainable utilization of wild plants and animals species, hereinafter it has been appointed Indonesian Institute of Sciences (LIPI);
- 23. Management Authority means institution which holds authority, under the current legislation, to regulate sustainable utilization of wild plants and animal species, hereinafter it has been appointed the Directorate General of Forest Protection and Nature Conservation;
- 24. Director General means the Director General of Forest Protection and Nature Conservation;
- 25. Minister means the Minister of Forestry.

Part Two Objectives

(1) Administrative Directive of Harvest Or Capture And Distribution Of Specimens of Wild Plants and Animals aims to build an ordered wildlife distribution in order to support conservation of the wild population through implementation of administration of harvest, capture, collection, keeping, and transportation of specimens of wild plants and animals, utilized for study, research and development, captive management, exchange, commercial trade, exhibition, medicinal plants culture, and keeping for hobbies.

(2) Administrative Directive referred to in paragraph (1) is undertaken through the implementation of administration system, implementation of CITES provisions, development of awareness by users of wild plants and animals, and provision of protocols (procedures and mechanisms) for the law enforcement.

Part Three Scopes

Article 3

For the purpose of this decree, the scope of the Management Directive for The Harvest Or Capture And Distribution Of Specimens. Wild Plants And Animals comprises of control of all activities of harvest or capture, collection, transportation and legal acquisition of specimens of wild plants and animals, whether protected or unprotected, and whether for commercial or non-commercial utilization, and whether domestic or international.

CHAPTER II HARVEST OR CAPTURE OF WILD PLANTS AND ANIMALS

Part One Sources of Specimen

Article 4

(1) Specimens of wild plants and animals may be sourced from harvest or capture from:

- a. The wild habitat;
- b. Products of captive management in the forms of captive breeding or ranching of animals and artificial propagation of plants.

(2) Specimens referred to in paragraph (1) may be originated from:

- a. species included or not included in the CITES Appendices, and whether protected or non-protected;
- b. locations within the territory of the Republic of Indonesia or from foreign countries.

Article 5

(1) Harvest or capture of wild plants and animals from the wild habitat referred to in Article 4 paragraph (1) clause a, can only be undertaken outside the protected areas (nature reserves, game reserves, national parks, recreation parks, and grand forest parks) or hunting areas.

(2) Harvest or capture of wild plants and animals sourced from the captive management referred to in Article 4 paragraph (1) clause b, can only be undertaken from the management units in accordance with the current legislation.

Part Two

Harvest or capture from the wild habitat

Paragraph 1

Quota Establishment

Article 6

(1) Harvest or capture quota of the wild plants and animals specimens from the wild habitat is established as the maximum value in terms of the species and the number of specimens of those species which can be harvested or captured from the wild habitat.

(2) Quota referred to in paragraph (1) is established by the Director General by taking into account the recommendation by the Scientific Authority as the basis of the establishment, and is valid for one calendar year period, starting from January 13 up to December 315.

Article 7

(1) Quota referred to in Article 6 paragraph (1) contains the name of species, maximum or minimum size and the unit measurement, and the area of harvest or capture at the provincial level or Regional Offices working area level.

(2) Quota referred to in paragraph (1) is aimed for the purposes of domestic and international utilization.

(3) Quota referred to paragraph (1) is established for the wild plants and animals specimens of the species listed or not listed in the CITES Appendices, whether protected or unprotected.

(4) Particularly for protected species from the wild habitat, quota referred to in paragraph (3) may be established after the designation of the species as a hunting animal.

(5) Designation as hunting animal of a protected species shall only be undertaken for protected species whose population in the wild habitat, based on scientific findings and recommendations by the Scientific Authority is relatively high or is exceeding the habitat carrying capacity and that the designation of the species as hunting animal will not be detrimental to the wild population.

Article 8

(1) Recommendations referred to in Article 6 paragraph (2) shall be based on scientific data or information from population inventory or monitoring.

(2) In the case of the lack of data or information referred to in paragraph (1), information may be gathered based on:

- a. Habitat and population condition of the said species;
- b. Other scientific and technical information concerning population and habitat of the said species;
- c. Actual harvest or capture of the quota of previous years;
- d. Traditional knowledge.

Article 9

(1) Population inventory and or monitoring referred to in Article 8 paragraph (1) may be undertaken by Scientific Authority, Regional Offices, Provincial Services whose main duty includes species conservation, Universities or Non Government Organizations.

(2) Population monitoring and or inventory referred to in paragraph (1) must be undertaken based on standardized methods established or developed by Scientific Authority.

(3) The results of the population monitoring and or inventory referred to in paragraph (1) may be submitted directly to the Scientific Authority or through the Director General or the Regional Offices.

(4) In the case that the results of the population monitoring and or inventory referred to in paragraph (1) is submitted through the Regional Offices, this office should submit the data or information, as one of the consideration to establish the recommendation of quota, to the Scientific Authority through the Director General.

Article 10

Scientific Authority has its authority to independently collect data and information concerning population of the wild species of plants and animals, whether from the results of inventory monitoring referred to Article 9 paragraph (1) or other data and information referred to in Article 8 paragraph (2).

Article 11

(1) In the case that an unprotected and non-CITES listed species is very abundant, it is regarded as sufficient that Scientific Authority provides guidance on the limits on the dimensions and it does not have to recommends the number of specimens which may be harvested or captured.

(2) The limits on the dimensions referred to in paragraph (1) includes limits on length, maximum or minimum weight, age class, sex, harvest or capture locations and the period of harvest or Capture.

Article 12

(1) Director General assesses recommendation by the Scientific Authority and then, establishes harvest and capture quota of the specimens of wild plants and animals from the wild habitat.

(2) On the basis of technical management consideration, Director General may establish less quota than those recommended by the Scientific Authority.

(3) Review of the established quota may be undertaken at any time during the year, on the basis of the Scientific Authority recommendation.

Paragraph 2

Quota Allocation and Designation of Harvest or Capture Location

Article 13

(1) Established quota referred to in Article 12 paragraph (1) is sent by the Director General to the Head of Service, Head of Regional Office and User Association.

(2) Based on the quota referred to in paragraph (1), the Head of the Regional Office designate locations of harvest or capture.

(3) Established quota referred to in Article 12 paragraph (1) and the location referred to in paragraph (2) are the basis for the Head of Service and the Head of the Regional Office for issuance of permit for harvest or capture of specimens of wild plants and animals.

(4) The Head of Service or the Head of the Regional Office shall not issue permit for harvest or capture referred to in paragraph (3) based on circumstances other than quota established by the Director General.

Article 14

(1) In particular for the export purposes, quota referred to in Article 12 paragraph (1) is allocated by the Director General to the registered exporters wishing to export specimens of wild plants and animals.

(2) Allocation referred to in paragraph (1) is undertaken by the Director General or by the designated authorised person taking into account the recommendation by the Association.

Article 15

(1) In the designation of the location of harvest or capture of the wild plants or animals referred to in Article 13 paragraph (2), the Head of Regional Office shall take into consideration legal status of the location, population abundance habitat condition, land use plan, and cultural-social aspects of the local community.

(2) The location referred to in paragraph (1) shall at least mention the village name, sub-district name, district name and geographic or map coordinate.

(3) The designation of the location referred to in paragraph (2), shall be made on the location of harvest and capture map on the smallest scale 1:250,000, which is periodically updated at least every 2 (two) years;

Article 16

(1) In order to ensure the population sustainability, in the permit to harvest or capture referred to Article 13 paragraph (3), the Head of

Regional Office shall undertake rotation on the designation of the harvest or capture location within the region of harvest or capture.

(2) The rotation period shall be established based on the population condition, habitat, biological characteristics, and the behaviour of the species concerned.

Article 17

(1) Harvest or capture of wild plants or animals whose species is not in the established quota may be permitted for the purpose of study, research and development, only if the Scientific Authority is satisfied that such a harvest or capture will not be detrimental to the wild population.

(2) Permit for harvest or capture referred to in paragraph (1) can only be granted by the Director General, except for those species which are protected, by the Minister.

Part Three

Specimens of Wild Plants and Animals Products of Captive Management

Article 18

(1) Captive management of plant shall mean any activity to artificially reproduce plants (artificial propagation) in a controlled condition from plant materials such as seeds, cuttings, divisions, spores, and callus tissues or other plant propagules.

(2) Captive management of animals shall mean any activity :

- a. to reproduce animals from parents mated or gametes transferred in a controlled environment, or the parents were in a controlled environment when development of the offspring began, known hereinafter as Captive Breeding;
- b. or any activity, of hatching eggs taken from the wild, and rearing the hatchlings in a controlled environment, or activity of rearing young animals taken from the wild, in a controlled environment, known hereinafter as Ranching.

(3) Specimens of wild plants and animals resulted from the captive management referred to in paragraph (1) and paragraph (2) are one of the sources of stock of wild plants or animals specimens for commercial

purposes and may be traded domestically or internationally, after meeting the requirements of captive management;

(4) Further provisions on captive management shall be regulated in separate Ministerial Regulation.

Article 19

(1) In order to ensure the effectiveness of control of the utilization of wild plants and animals specimens sourced from captive management, a maximum number of specimens resulted from captive management is established.

(2) The maximum number referred to paragraph (1) is the upper limit in terms of the name of species and total specimens of wild plants and animals which can be taken from every captive management operation, including those resulted from wild based management operation.

Article 20

(1) The limit of the product of captive management referred to in Article 19 paragraph (1) consist of limit on the species, size and number.

(2) Species and number referred to in paragraph (1) is the limit for the domestic and foreign trade (export).

(3) The limit of the product of captive management referred to Article 19 paragraph (1) shall be established for the wild plants and animal species listed or not listed in the CITES Appendices and whether protected or unprotected.

Article 21

(1) Prior to the quota establishment, especially for specimens of protected species sourced from the wild habitat and from the first generation bred in captivity, the specimens shall be first, designated as hunting animals.

(2) The designation of hunting animal of protected species sourced from the first generation bred in captivity referred to paragraph (1) shall only be done for protected species which have been proven of having, based on scientific judgment by Scientific Authority, high reproduction rate (high fecundity), but which has slow maturity.

Article 22

(1) The limit of the product of captive management referred to in Article 19 paragraph (1) shall be established for each captive management operation unit.

(2) The limit of the product of captive management referred to in paragraph (1) shall be established based on data on the capability of the operation unit to develop and produce population for harvest.

(3) Data on the capability of the operation unit referred to paragraph (2) may be obtained from recording, tagging, and periodical reporting by the operation unit and the crosschecking of such records and reports by the Regional Office or independent assessment team appointed by the Director General.

Article 23

(1) The limit on the number of products of captive management referred to Article 22 is established by the Director General for the period of 1 (one) calendar year.

(2) The established limit referred to in paragraph (1) is sent to the Head of Regional Office, captive management operation units, and or wild-based management operation units.

(3) The limit referred to in paragraph (2) shall be used as one of the bases to grant export permit to the captive management operation units.

CHAPTER III UTILIZATION OF SPECIMENS OF WILD PLANT AND ANIMAL SPECIES

Part One General

Article 24

(1) Utilization of specimens of wild plant and animal species may be differentiated into:

- a. Non-Commercial utilization, for the purposes of study, research and development, non-commercial exhibition, exchange, hunting and care for hobby;
- b. Commercial utilization, for the purposes of captive breeding, trade, commercial exhibition and culture of medicinal plants.

(2) Non-commercial utilization referred to in paragraph (1) clause a, may be undertaken by:

- a. Individual;
- b. Cooperatives;
- c. Ex-situ conservation institutions;
- d. Research institutions;
- e. Universities; or
- f. Non Government Organizations, whose mission is conservation of natural biological resources.

(3) Commercial utilization referred to in paragraph (1) clause b, shall only be undertaken by Domestic Distributor of or International Distributor of wild plant and animal species, whose forms include:

- a. Individually owned company;
- b. Cooperative;
- c. Central Government owned company;
- d. Local Government owned company; or
- e. Private company.

Article 25

(1) For the purpose of utilization of the specimens of wild plant and animal species, harvest or capture and distribution of specimens of wild plant and animal species may be undertaken.

(2) Harvest or capture referred to in paragraph (1) consist of:

- a. Non-Commercial harvest or capture;
- b. Commercial harvest or capture.

(3) Distribution referred to in paragraph (1) consists of:

- a. Non-commercial distribution within the country (domestic);
- b. Commercial distribution within the country (domestic);
- c. Non-Commercial distribution from and to foreign country (international); and
- d. Commercial distribution from and to foreign country (international).

Article 26

(1) Harvest or capture referred to in Article 25 paragraph (2) shall be covered by permit.

(2) Commercial distribution referred to in Article 25 paragraph (3) clause b and clause d, shall only be permitted to registered and approved domestic or international distributors.

(3) Especially for commercial harvest or capture Article 25 paragraph (2) clause b, permit may be granted to the domestic distributors referred to in paragraph (2) or to the collectors of specimens of wild plant and animal.

Part Two Permit for Harvest or Capture

Paragraph 1 General

Article 27

(1) Harvest or capture of specimens of wild plant or animal species shall be in accordance with the permit for harvest and capture, which includes location of harvest or capture, and shall be undertaken by individual or group, technically capable and skilful in undertaking harvest or capture.

(2) Harvest or capture of specimens of wild plant or animal species referred to paragraph (1) shall be undertaken with precaution taking into account the sustainability and avoid causing death or injury on the specimens captured.

(3) The method to harvest or capture of specimens of wild plant or animal species referred to paragraph (1) shall also avoid disturbance or detriment to the wild population, habitat and environment.

(4) Particularly for animal, capture shall take animal welfare into consideration, namely by avoiding hurts, injury, killing, or other cruelty which causes stress to the captured specimens or to the animals or population left in the habitat.

Article 28

Particularly for live animals, the captured animals shall be collected in appropriate place in order to avoid physical injury, harming the health and behaviour, stress and death.

Paragraph 2

Permit for non-commercial harvest or capture of specimens of wild plant and animal species from the wild habitat

Article 29

(1) Permit for non-commercial harvest or capture may be granted to:

- a. Individual;
- b. Ex-situ conservation institution;
- c. Research institution;
- d. Universities;
- e. Non Government Organization.

(2) Permit for harvest or capture referred to in paragraph (1) to cover:

- a. unprotected species and protected species designated for hunting animal, and which are included in CITES Appendices-II, III and Non-Appendices, shall be granted by the Head of Regional Office;
- b. other protected species and or species included in CITES Appendix-I, shall be granted by the Minister after a recommendation from the Scientific Authority that the harvest or capture is not detrimental to the wild population, has been received.

Article 30

(1) Mechanisms and procedures permit issuance for harvest or capture of wild plant or animal, for unprotected species and protected species which is designated for hunting al referred to in Article 29 paragraph (2) clause a, and which are included in the quota of harvest or capture, are as follows:

- a. Application, which contains, among others information on species, number of specimen requested, sex, age or size, and location of harvest and detailed description on the objective of harvest or capture, is submitted to the Head of Regional Office;
- b. The Head of the Regional Office shall make assessment on the application and cross check it with the availability of the specimen in the quota and the designated location of harvest or capture;

- c. Based on the assessment referred to in clause b, the Head of Regional Office may or may not agree to grant permit in 14 (fourteen) days after the application received;
- d. Particularly for the purpose of study, research and development, and in the case when quota for the species, requested has been used, the Head of Regional Office shall consult Director General;
- e. Based on consultation referred to in clause d, Director General may request for recommendation by the Scientific Authority that such a harvest or capture will not be detrimental to the wild population;
- f. Based on recommendation referred to in clause e, Director General direct the Head of Regional Office to accept or reject granting permit.

(2) The mechanisms and procedures of permit issuance for harvest or capture of wild plants and animals for protected species and or included in CITES Appendix-I referred to in Article 29 paragraph (2) clause b, or unprotected species referred to in Article 29 paragraph (2) clause a but which is not included in the harvest or capture quota, are as follows:

- a. Harvest or capture of specimen of wild plant or animal for the protected and or CITES Appendix-I species, or for unprotected species but which is not included in the quota, shall only be undertaken for the purpose of study, research and development and captive breeding;
- b. Application shall be submitted to the Minister, and should contain, among others, information on species, number of specimen requested, sex, age or size, and harvest or capture location, and completed with work plan or proposal, with copy sent to the Director General and the Scientific Authority;
- c. In the case the application is not accompanied by recommendation from the Scientific Authority, Director General may request advice from the Scientific Authority that such a harvest or capture will not be detrimental to the wild population;
- d. Based on the assessment on the application and accompanying documents referred to in clause b and clause c, Minister may approve or reject the application based on advice from the Director General and recommendation from the Scientific Authority that

such a harvest or capture will not be detrimental to the wild population.

Paragraph 3

Permit for commercial harvest or capture of specimens of wild plant or animal species from the wild habitat

Article 31

(1) Permit for commercial harvest or capture shall only be granted to:

- a. Individual;
- b. Cooperative;
- c. Central Government owned companies;
- d. Local Government owned companies; or
- e. Private companies.

(2) Permit for harvest or capture referred to in paragraph (1) shall only be granted for unprotected species and protected species designated for hunting animal, and which is included in CITES Appendix-I, II, III or Non-CITES species.

(3) Permit referred to in paragraph (2) shall be granted by the Head of Regional Office.

Article 32

(1) The mechanisms and procedures for the issuance of permit of harvest or capture of unprotected species and protected species designated for hunting animal are as follows:

- a. Application shall be submitted to the Head of Regional Office, which contains, among others, information on the species, number of specimens, sex, age or size, and location of harvest or capture and detailed description concerning the purpose of harvest or capture;
- b. The Head of Regional Office shall assess the application and cross check it with the availability of specimen in the quota and the designated location of harvest or capture;
- c. Based on the assessment referred to in clause b, the Head of Regional Office may approve or reject to grant permit in 14 (fourteen) working days after the application received;

- d. Permit referred to in clause c shall be valid for a maximum 1 (one) year period;
- e. Permit referred to in clause c shall only be issued for plant and animal species included in the current quota of harvest or capture.

Article 33

(1) The Head of Regional Office shall undertake inspection on specimens of wild plants and animals stocked for commercial purposes.

(2) The inspection referred to in paragraph (1) shall be based on the permit for harvest or capture, or application for domestic transport, or application for export.

(3) The result of inspection referred to paragraph (1) shall be recorded in the Official Record of Stock Inspection.

(4) Official Record of Stock Inspection shall contain information on:

- a. Species;
- b. Number of specimens (volume);
- c. Form of specimen;
- d. Information on the original document; e. Other information.

(5) Further provision on the Official Record is regulated by Director General.

Part Three

Permit for Non-Commercial Utilization

Paragraph 1

Permit for non-commercial domestic utilization

Article 34

(1) Permit to cover non-commercial utilization for the purposes of study, research and development for:

- a. unprotected plant and animal species is issued by the Head of Regional Office;
- b. protected plant and animal species is issued by the Minister.

(2) The mechanisms and procedures of permit issuance for the utilization referred to in paragraph (1) are as follows:

- a. Application shall be submitted to the Head of Regional Office, for unprotected species, and to the Minister with copies sent to the Director General, for the protected species, and it shall be accompanied by proposal of study, research or development;
- b. The Head of the Regional Office or Director General shall assess the application and proposal of study, research or development referred to in clause a;
- c. Based on the assessment referred to in clause b, for the unprotected species, the Head of Regional Office may approve or reject the application in 14 (fourteen) working days since the application received;
- d. For protected species, Director General shall make an assessment concerning the conservation impact of the activity, and advise the Minister on the result of the assessment.

Article 35

(1) Permit to cover non-commercial utilization for the purpose of exchange for:

- a. unprotected plant and animal species is issued by the Head of Regional Office;
- b. protected plant and animal species is issued by the Minister.

(2) The mechanisms and procedures of permit issuance for the utilization referred to in paragraph (1) are as follows:

- a. Application shall be submitted to the Head of Regional Office, for unprotected species, and to the Minister with copies sent to the Director General, for the protected species, and it shall be accompanied by proposal of exchange;
- b. The Head of the Regional Office or Director General shall assess the application and proposal exchange referred to in clause a;
- c. Based on the assessment referred to in clause b, for the unprotected species, the Head of Regional Office may approve or reject the application in 14 (fourteen) working days since the application received;
- d. For the protected species, Minister may approve or reject the application based on the advice by the Director General.

Article 36

(1) Permit to cover non-commercial utilization for the purpose of care for hobby shall only be granted for unprotected species.

(2) Permit referred to in paragraph (1) is issued by the Head of Regional Office.

(3) The mechanisms and procedures of permit issuance for the utilization referred to in paragraph (1) are as follows:

- a. Application shall be submitted to the Head of Regional Office;
- b. The Head of Regional Office shall make assessment on the application referred to in clause a;
- c. Based on the assessment referred to in clause b, the Head of Regional Office may approve or reject the application in 3 (three) working days since the application received.

Article 37

(1) Permit to cover non-commercial utilization for the purpose of non-commercial exhibition may be granted for protected or unprotected species.

(2) For the protected species, permit shall only be granted to the ex situ conservation institution or non-profit institution approved by the Minister.

(3) Permit referred to in paragraph (1) is issued by:

- a. Minister, for the protected species; or
- b. The Head of Regional Office, for unprotected species.

(4) The mechanisms and procedures of permit issuance for the utilization referred to in paragraph (1) are as follows:

- a. Application shall be submitted to the Minister with copy sent to the Director General, for the protected species, or to the Head of Regional Office, for unprotected species, and shall be accompanied by proposal or working plan of exhibition;
- b. Director General or the Head of Regional Office shall make assessment on the application referred to in clause a;
- c. Based on the assessment referred to in clause b, for the unprotected species, the Head of Regional Office may approve or reject the application in 7 (seven) working days since the application received;

- d. For the protected species, the Minister may approve or reject the application based on the advice by the Director General.

Paragraph 2

Permit for non-commercial utilization to or from foreign countries

Article 38

(1) Permit to cover non-commercial utilization to or from foreign countries consists permit for distribution of specimens of wild plant or animal species in the forms of:

- a. Export;
- b. Import;
- c. Re-export; and
- d. Introduction from the sea.

(2) Permit for non-commercial utilization to or from foreign countries referred to in paragraph (1) may be granted for the purposes of:

- a. Study, research and development, including museum and herbarium collection involving protected or unprotected species and or Appendix-I of CITES;
- b. Exchange of wild plant or animal specimens of the protected or unprotected species and or Appendix-I of CITES;
- c. Care for hobby, including personal or household effects and souvenirs of unprotected species and of the species not included in the CITES Appendix-I.

(3) Permit referred to in paragraph (1) clause a and b shall be issued by the Minister, and paragraph (1) clause c shall be issued by the Director General or official authorized.

(4) Mechanisms and procedures of permit issuance referred to in paragraph (3) are as follows:

- a. Application shall be submitted to the Minister with copy sent to the Director General and Scientific Authority for the purpose referred to in paragraph (2) clause a and clause b, and submitted to the Director General for paragraph (2) clause c;
- b. The Minister may approve or reject the application based on recommendation by the Scientific Authority and the advise by the Director General for the protected species, or Director General

may approve or reject the application in 7 (seven) working days since the application received.

Article 39

(1) Permit for foreign utilization (export) referred to in Article 38 paragraph (1) clause a for the specimen of protected and CITES listed species shall only be granted for the purpose of study, research and development and/or exchange between research institutions or institutions undertaking breeding for species conservation and re-introduction to the wild habitat.

(2) Exemption from the provision referred to in paragraph (1) may be granted only for the specimens produced from captive breeding operation which has met the requirements as provided in the Government Regulation No. 8/1999 and its implementing regulation.

(3) Requirements to obtain permit for foreign utilization referred to in paragraph (1) are as follows:

- a. The exported specimens are not of wild caught nor first generation captive bred specimens;
- b. Exemption from the provision referred to in clause a, may be granted only for live specimen whose purpose is for the conservation of the species under loan scheme, or biological sample obtained without killing the animal, such as tissue, blood, DNA sample, venome, urine or faeces;
- c. Specimen of second or subsequent generations of captive bred animal or artificially propagated plant specimen produced in the controlled environment;
- d. Particularly for specimen of CITES Appendix-I species, the destination country has issued CITES import permit;
- e. Scientific Authority has advised that the export is not detrimental to the wild population;
- f. Obtained permit from the Minister, except for biological sample taken without killing the animal, such as tissue, blood, DNA sample, venome, urine or faeces, with the permit from Director General;
- g. Particularly for animal, the facilities in the destination and the means of transportation would not disturb the animal, in terms of health and behaviour;

- h. Exemption from the provision referred to in paragraph (1) may be granted only for captive bred specimen which have met the requirements as regulated in the CITES provisions, among others, the species must have shown its ability to produce second and subsequent generation in the controlled environment in a captive breeding operation registered by the CITES Secretariat as Appendix-f captive breeding operation for commercial purposes.

Article 40

(1) Export in the form of biological samples of specimens included in Appendix-I, Appendix-II or Appendix-III, may be permitted:

- a. for urgent purposes, namely:
 - i. For the survival of the concerned individual animal;
 - ii. For the conservation of the concerned species or for other species included in the CITES Appendices;
 - iii. For the judicial or enforcement purposes;
 - iv. For disease control transferable between species included in the CITES Appendices;
 - v. For the diagnostic or identification purposes.
- b. For the purpose of study, research and development.

(2) Export of biological samples shall only be permitted if such an export would not cause negative impact, or the impact on the conservation and the science is considered to be negligible, domestically or internationally.

(3) Permit referred to in paragraph (2) is issued by the Director General.

(4) Export of specimen referred to in paragraph (2) shall only be permitted after recommendation and advise by the Scientific Authority concerning, among others, negative impact or conservation impact referred to in paragraph (2), is given, except for urgent purposes referred to in paragraph (1) clause a.

Article 41

(1) Export of specimens of care for hobby referred to in Article 38 paragraph (2) clause c, whether dead or alive or parts or derivatives thereof, in the forms of personal effects or tourist souvenirs shall be taken personally by the owner or by the authorised person as an accompanied goods, whether taken to or brought from foreign countries.

(2) Export, re-export or import personal effect or tourist souvenir specimen of a protected species included in CITES Appendix-I is prohibited.

(3) Prohibition referred to in paragraph (2) includes also selling of tourist souvenirs in international departure areas, such as at an international airport, seaport and land border check point, beyond customs control.

(4) Exemption from the prohibition referred to in paragraph (2) may only be granted for specimen of Appendix-I species of hunting trophy whose quota had been previously established in the Conference of the Parties to CITES, or products of captive breeding or artificial propagation from operation registered by the CITES Secretariat.

(5) Maximum number of specimen of personal effect and tourist souvenirs permitted for each person, is as follows:

- a. Live plant other than orchids, 2 plants;
- b. Live animal, 2 heads;
- c. Skin or skin products of wild animals, 5 pieces skin or 10 pieces (pairs) skin products, such as wallet, shoes, handbag, and gloves;
- d. Agarwood, 2 kg;
- e. Tree fern products, 10 kg;
- f. Products, in the forms of oil, medicine, and other products, in accordance with the personal needs;
- g. Orchids, 10 plants.

Article 42

(1) Export, re-export or import of personal effects or tourist souvenir specimens of unprotected species and included in CITES Appendix-II and Appendix-III is permitted after the issuance of CITES permit.

(2) Personal effect or tourist souvenir referred to in paragraph (1) shall be limited only for personal belonging obtained outside the country of usual residence, and not valid for live specimen or specimen transported in an un-accompanied baggage.

(3) Permit and export procedure for personal effect and tourist souvenir specimens referred to in paragraph (1) may be simplified in accordance with CITES provisions.

(4) Further provision concerning simplification and the format of permit for personal effect and tourist souvenir is regulated by the Director General.

Part Four
Permit for Commercial Utilization

Paragraph 1
Permit for domestic commercial utilization

Article 43

(1) Permit for domestic commercial utilization consists of permit for domestic distribution of specimen of wild plant or animal whether of protected species designated for hunting animal or unprotected species, within the country.

(2) Permit for domestic commercial utilization referred to in paragraph (1) is granted for the purpose of:

- a. Trade;
- b. Captive management;
- c. Commercial exhibition;
- d. Commercial culture of medicinal plants.

(3) Permit for domestic commercial utilization for the purpose of trade referred to in paragraph (2) clause a, shall hereinafter be referred to as Permit for Domestic Distribution, and issued by the Head of Regional Office.

(4) Permit for domestic commercial utilization for the purpose of trade referred to in paragraph (2) clause b, shall hereinafter be referred to as Permit for Captive Management and issued by Head of Regional Office, whether for protected or the unprotected species.

(5) Permit for domestic commercial utilization for the purpose of exhibition referred to in paragraph (2) clause c, shall hereinafter be referred to as Permit for Domestic Commercial Exhibition and granted especially for protected species, and issued by:

- a. Minister for wild caught specimen or first generation (F1) of specimen born in controlled environment, based on advise by the Director General; or
- b. Head of Regional Office for second and subsequent generation of specimen born in controlled environment.

(6) Permit for domestic commercial utilization for the purpose of culture of medicinal plants referred to in paragraph (2) clause d, shall hereinafter be referred to as Permit for Commercial Culture of Medicinal Plants and granted especially for protected species, and issued by:

- a. Minister, for wild caught specimen based on the advise by the Director General; or
- b. Head of Regional Office for artificially propagated specimen.

Article 44

(1) Mechanisms and procedures for obtaining Permit for Domestic Distribution or Domestic Trade referred to in Article 43 paragraph (2) clause a are as follows:

- a. Application shall be submitted to the Head of Regional Office with a copy sent to the Head of District Section;
- b. Application referred to in clause a shall be accompanied by:
 - 1) Notary Act of Business Establishment;
 - 2) Letter of Permission for Undertaking Trades designated specifically for wild plant and animal species;
 - 3) Letter of Permission of Business Sites or certificate based on the Law on Disturbances mentioning that such a business would not make any disturbance to the human environment;
 - 4) Proposal, for new applicant, or Annual Working Plan, for extension application;
 - 5) Information concerning species name, number of specimen, size and area;
 - 6) Official Record of Technical Preparation; and
 - 7) Recommendation from the Head of District Section.
- c. Based on the application and the accompanying documents and the technical consideration, the Head of Regional Office may approve or reject the application in 14 (fourteen) working days after the application received;
- d. In processing permit the Head of Regional Office shall consider provision referred to in Article 6, Article 7, Article 11 , Article 22 and Article 27;

- e. Trade in wild caught specimen shall not be undertaken by foreign citizen or foreign investment or domestic investment, which share with foreign investment.

(2) Proposal or Annual Working Plan referred to in paragraph (1) clause b number 4) consist of among others information on: company profile, organization, source of specimen, collection method, transportation method, facilities and program for conservation of the species being traded.

(3) Technical consideration to approve or reject the application referred to in paragraph (1) clause c shall refer to the criteria, which include:

- a. business feasibility (administrative and technical);
- b. feasibility of production of wild plant and animal specimens (such as production capability: wild caught or captive management products, including from the wild based population management);
- c. bio-ecological feasibility (based on the population capacity to resist harvest, habitat condition and distribution, if the production is sourced from wild caught); and
- d. Understanding by the owner or the executive of the company, concerning conservation of the species in business, among others, may be reflected from the proposal submitted.

(4) Proposal or Annual Working Plan and technical consideration referred to in paragraph (2) and paragraph (3) shall be the main bases in considering whether the application is approved or rejected.

(5) Permit for Domestic Distribution shall be valid for 5 (five) years and may be extended.

6) Further provision concerning criteria to assess proposal, annual working plan and technical consideration, shall be regulated by the Director General.

Article 45

(1) Application for extension of expired permit referred to in Article 44 paragraph (5) shall be submitted to the Head of Regional Office no latter than 2 (two) months before the expiration of the permit, accompanied by report on the actual harvest or capture, in the case the permit bearer is granted with permit for harvest or capture, and report on actual domestic distribution and the work plan.

(2) Extension of permit referred to in paragraph (1) may be granted when meeting the following requirement:

- a. Never undertaking any activity in contravention to the existing law and regulation;
- b. For company distributing live specimen:
 - 1) low rate of mortality;
 - 2) facilities for handling and collection of the specimen are adequate;
 - 3) looking after skilful persons who undertake harvest or capture.
- c. Reports are made in order and submitted in time;
- d. Running the business conservatively and efficient in utilizing the resources of plants and animals.

(3) The Head of Regional Office may reject to extend the permit if the requirements referred to in paragraph (1) and (2) are regarded not r-net.

Article 46

(1) The bearer of the Permit of Domestic Distribution which is also granted with permit for harvest and capture referred to in Article 31 shall look after people who undertake harvest or capture and inform them concerning the species, location, number of specimen, size, and other requirements set in the permit of harvest or capture issued by Regional Office.

(2) The bearer of the Permit of Domestic Distribution shall have place and facilities for collection of specimens of wild plant or animal, which meet the requirements establish by the Director General.

(3) The bearer of the Permit, through cooperation with Regional Office, Association and or Non Government Organization shall provide guidance, training and skill education concerning harvest or capture and issues on species conservation and environment to the people who undertake harvest or capture.

Article 47

(1) Mechanisms and procedures to obtain Permit of Captive Management referred to in Article 43 paragraph (2) clause b are as follows:

- a. Application shall be submitted to the Head of Regional Office with copy sent to the Head of District Section;
- b. Application referred to in clause a shall be accompanied by:

- 1) Notary Act of Business Establishment;
- 2) Letter of Permission for Undertaking Trades designated specifically for wild plant and animal species;
- 3) Letter of Permission of Business Sites or certificate based on the Law on Disturbances mentioning that such a business would not make any disturbance to the human environment;
- 4) Proposal, for new applicant, or Annual Working Plan, for extension application;
- 5) Information concerning species name, number of specimen, size and area;
- 6) Official Record of Technical Preparation; and
- 7) Recommendation from the Head of District Section.
- c. Based on the application and the accompanying documents and the technical consideration, the Head of Regional Office may approve or reject the application in 14 (fourteen) working days after the application received.

(2) Proposal or Annual Working Plan referred to in paragraph (1) clause b number 4) consist of among others information on: company profile, organization, source of specimen, collection method, transportation method, facilities and program for conservation of the species being managed.

(3) Technical consideration to approve or reject the application referred to in paragraph (1) clause c shall refer to the criteria which include:

- a. business feasibility (administration and technical);
- b. feasibility of captive management production, which may include:
 - 1) production capability, in terms of the number of parent stock and the parent capability to produce young;
 - 2) the source of parental stock (whether parent are already in the possession, or should be captured from the wild, or offspring of the existing captive breeding operation);
 - 3) technique of captive management for the species, has the technique been in place, or try and error;
 - 4) the status of endangerment of the species;
 - 5) commercial value of species.

- c. understanding by the owner or the executive of the company, concerning conservation of the species in business, among others, may be reflected from the proposal submitted.

(4) Proposal or Annual Working Plan and technical consideration referred to in paragraph (2) and paragraph (3) shall be the main bases in considering whether the application is approved or rejected;

(5) Permit for Captive Management shall be valid for 5 (five) years and may be extended;

(6) Further provision concerning criteria to assess proposal, annual working plan and technical consideration, shall be regulated by the Director General.

Article 48

(1) Mechanisms and procedures to obtain Permit for Domestic Commercial Exhibition referred to in Article 43 paragraph (2) clause c are as follows:

- a. Application shall be submitted to:
 - 1) Minister, with copy to the Director General, for protected species; or
 - 2) Head of Regional Office, with copy to the Head of District Section, for unprotected species.
- b. Application referred to in clause a shall be accompanied by:
 - 1) Notary Act of Business Establishment;
 - 2) Letter of Permission for Undertaking Trades designated specifically for wild plant and animal species;
 - 3) Letter of Permission of Business Sites or certificate based on the Law on Disturbances mentioning that such a business would not make any disturbance to the human environment;
 - 4) Proposal, for new applicant, or Annual Working Plan, for extension application;
 - 5) Information concerning species name, number of specimen, size and area;
 - 6) Official Record of Technical Preparation; and
 - 7) Recommendation from the Head of District Section.

- c. Based on the application and the accompanying documents the Minister may approve or reject the application based on advise from the Director General for the protected species, and the Head of Regional Office may approve or reject the application in 14 (fourteen) working days after the application received.

(2) Proposal or Annual Working Plan referred to in paragraph (1) clause b number 4) consist of among others information on: company profile, organization, source of specimen, collection method, transportation method, facilities and program for conservation of the species being managed.

(3) Technical consideration to approve or reject the application referred to in paragraph (1) clause c shall refer to the criteria which include:

- a. business feasibility (administration and technical);
- b. production feasibility (such as production capability: wild caught or products of captive management, including wild-based population management);
- c. bio-ecological feasibility (based on the capacity of wild population to resist harvest, habitat condition, and distribution, if the production is of wild caught); and
- d. understanding by the owner or the executive of the company, concerning conservation of the species in business, among others, may be reflected from the proposal submitted.

(4) Proposal or Annual Working Plan and technical consideration referred to in paragraph (2) and paragraph (3) shall be the main bases in considering whether the application is approved or rejected.

(5) Permit of Commercial Exhibition valid for 3 (three) years and may be extended.

(6) Further provision concerning criteria to assess proposal, annual working plan and technical consideration, shall be regulated by the Director General.

Article 49

(1) Mechanisms and procedures to obtain Permit for Culture of Medicinal Plants referred to in Article 43 paragraph (2) clause d are as follows:

- a. Application shall be submitted to:

- 1) Minister, with copy to the Director General, for protected species; or
- 2) Head of Regional Office, with copy to the Head of District Section, for unprotected species.
- b. Application referred to in clause a shall be accompanied by:
 - 1) Notary Act of Business Establishment;
 - 2) Letter of Permission for Undertaking Trades designated specifically for wild plant and animal species;
 - 3) Letter of Permission of Business Sites or certificate based on the Law on Disturbances mentioning that such a business would not make any disturbance to the human environment;
 - 4) Proposal, for new applicant, or Annual Working Plan, for extension application;
 - 5) Information concerning species name, number of specimen, size and area;
 - 6) Official Record of Technical Preparation; and
 - 7) Recommendation from the Head of District Section.
- c. Based on the application and the accompanying documents the Minister may approve or reject the application based on advise from the Director General for the protected species, and the Head of Regional Office may approve or reject the application in 14 (fourteen) working days after the application received.

(2) Proposal or Annual Working as referred to in paragraph (1) clause b number 4) consist of among others information on: company profile, organization, source of specimen, collection method, transportation method, facilities and program for conservation of the species being managed.

(3) Technical consideration to approve or reject the application referred to in paragraph (1) clause c shall refer to the criteria which include:

- a. business feasibility (administration and technical);
- b. production feasibility (such as production capability: wild caught or products of captive management, including wild-based population management);

- c. bio-ecological feasibility (based on the capacity of wild population to resist harvest, habitat condition, and distribution, if the production is of wild caught); and
- d. understanding by the owner or the executive of the company, concerning conservation of the species in business, among others, may be reflected from the proposal submitted.

(4) Proposal or Annual Working Plan and technical consideration referred to in paragraph (2) and paragraph (3) shall be the main bases in considering whether the application is approved or rejected.

(5) Permit for Culture of Medicinal Plants shall be valid for 5 (five) years and may be extended.

(6) Further provision concerning criteria to assess proposal, annual working plan and technical consideration, shall be regulated by the Director General.

Paragraph 2

Permit for foreign (international) commercial utilization

Article 50

(1) Permit for foreign commercial utilization consists of permit for distribution of specimen of wild plant or animal of the protected species which has been designated for hunting animal, and unprotected species and or species listed in CITES the appendices, whether from or to foreign countries, for the purposes of:

- a. Trade; and
- b. Commercial Exhibition.

(2) Permit for foreign commercial utilization for the purpose of trade referred to in paragraph (1) clause a, shall also be referred to as Permit for Foreign Distribution, which is issued by Director General.

(3) Permit for foreign commercial utilization for the purpose of exhibition referred to in paragraph (1) clause b, shall also be referred to as Permit for Foreign Commercial Exhibition, which is issued by Director General.

Article 51

(1) Mechanisms and procedures to obtain Permit for Foreign Distribution referred to in Article 50 paragraph (2) clause d are as follows:

- a. Application shall be submitted to the Director General with copy to the Head of Regional Office;
- b. Application referred to in clause a shall be accompanied by:
 - 1) Notary Act of Business Establishment;
 - 2) Letter of Permission for Undertaking Trades designated specifically for wild plant and animal species;
 - 3) Letter of Permission of Business Sites or certificate based on the Law on Disturbances mentioning that such a business would not make any disturbance to the human environment;
 - 4) Proposal, for new applicant, or Annual Working Plan, for extension application;
 - 5) Official Record of Technical Preparation; and
 - 6) Recommendation from the Head of Regional Office.
- c. Based on the application and the accompanying documents the Director General may approve or reject the application in 14 (fourteen) working days after the application received.

(2) Proposal or Annual Working Plan referred to in paragraph (1) clause b number 4) consist of among others information on: company profile, organization, source of specimen, collection method, transportation method, facilities and program for conservation of the species being managed.

(3) Technical consideration to approve or reject the application referred to in paragraph (1) clause c shall refer to the criteria which include:

- a. business feasibility (administration and technical);
- b. production feasibility (such as production capability: wild caught or products of captive management, including wild-based population management);
- c. bio-ecological feasibility (based on the capacity of wild population to resist harvest, habitat condition, and distribution, if the production is of wild caught); and
- d. understanding by the owner or the executive of the company, concerning conservation of the species in business, among others, may be reflected from the proposal submitted.

(4) Proposal or Annual Working Plan and technical consideration referred to in paragraph (2) and paragraph (3) shall be the main bases in considering whether the application is approved or rejected.

(5) Permit for Foreign Distribution shall be valid for 5 (five) year and may be extended.

(6) Foreign Distributor shall have place and facility for adequately accommodate the specimen of wild plants or animals, which shall meet the requirements set by the Director General.

(7) Further provision concerning criteria to assess proposal, annual working plan and technical consideration, shall be regulated by the Director General.

Article 52

(1) Application for extension of expired permit referred to in Article 51 paragraph (5) shall be submitted to the Director General 3 (three) months, at the latest, before the permit is expired, accompanied by reports on actual transaction and the work plan.

(2) Extension of permit may be granted if the following requirements are met:

- a. Always comply with the law and regulation;
- b. For live specimen exporters:
 - 1) low rate in mortality;
 - 2) facilities for handling and collection are adequate; and 31. maintain skilful and well-trained keepers.
- c. Produce good reports and timely;
- d. Running the business conservatively and efficiently in the utilization of wild plant and animal resources;
- e. Actively undertaking exports during one year period.

(3) Director General may reject to extend the permit if the applicant does not meet the requirements referred to in paragraph (1) and paragraph (2).

Article 53

(1) Permit for Foreign Distribution referred to in Article 50 paragraph (2) shall not be granted to foreign citizen or foreign investment, or domestic investment in which part of the shares are of foreign investment.

(2) Exemption to the provision referred to in paragraph (1) may be given for trade in captive bred specimen, artificially propagated specimen, or specimen not native to Indonesia.

Article 54

Permit for Foreign Distribution referred to Article 50 paragraph (2) shall only be given for:

- a. Specimens of plant or animal of unprotected species which were harvested or captured from the wild habitat and listed in the quota, and products of captive management operation, including products of wild-based population management;
- b. Specimen of protected species of plant or animal derived from captive management operation, and specimen of protected species designated for hunting animal.

Article 55

(1) Mechanisms and procedures to obtain Permit for Foreign Commercial Exhibition referred to in Article 50 paragraph (3) are is, follows:

- a. Application shall be submitted to the Minister for protected species, and to the Director General for unprotected species, accompanied by proposal or working plan of exhibition;
- b. Particularly for protected species, application referred to in clause a, shall only be done by ex-situ conservation institution;
- c. Based on the application and the accompanying documents the Minister may approve or reject the application based on advise by the Director General, or the Director General may approve or reject the application in 14 (fourteen) working days after the application received.

(2) Permit for Foreign Commercial Exhibition shall be valid for 1 (one) year and may be extended.

Part Five Non-Commercial Distribution

Paragraph 1 Domestic non-commercial distribution

Article 56

(1) Domestic non-commercial distribution of plant or animal specimens shall be referred to activities of distribution of plant or animal specimens within the country whose purpose is not intended to obtain economic benefits, whether in cash or in kind.

(2) Domestic non-commercial distribution includes:

- a. Distribution of specimens for the purpose of study, research and development using plants or animals as the object, including collection materials for herbarium or museum;
- b. Distribution of specimens for the purpose of care for hobby, including transporting specimens of household or personal effects, hunting trophy, and souvenirs;
- c. Distribution of specimens for the purpose of exchange between ex-situ conservation institutions;
- d. Distribution of specimens for the purpose of non-commercial captive breeding.

(3) Domestic non-commercial distribution may be undertaken for specimens of protected or unprotected species, except those whose purpose is care for hobby, shall only be using unprotected species or products of captive management of protected species.

Article 57

Domestic non-commercial distribution shall be covered by Permit for Domestic Transport of Wild Plants and Animals (SATS-DN).

Paragraph 2

Foreign non-commercial distribution

Article 58

(1) Foreign non-commercial distribution , of plant or animal specimens shall be referred to activities of distribution of plant or animal specimens from or to a foreign country, whose purpose is not intended to obtain economic benefits, whether in cash or in kind.

(2) Foreign non-commercial distribution includes:

- a. Distribution of specimens for the purpose of study, research and development using plants or animals as the object, including collection materials for herbarium or museum;

- b. Distribution of specimens for the purpose of care for hobby, including transporting specimens of household or personal effects, hunting trophy, and souvenirs;
- c. Distribution of specimens for the purpose of exchange between ex-situ conservation institutions.

(3) Foreign non-commercial distribution May be undertaken for specimens of protected or unprotected species, and species listed in CITES Appendices, except those whose purpose is care for hobby, shall only be using unprotected species or products of captive management of protected species and listed in Appendix-11 or Appendix-III.

(4) Foreign non-commercial distribution may be undertaken in the forms of export, import, re-export, and introduction from the sea.

Article 59

(1) Export, import, re-export or introduction from the sea for non-commercial purposes shall be covered by Permit for Foreign Transport of Wild Plants and Animals (SATS-LN).

(2) Officers of Regional Office or Customs or Quarantine shall verify the information contained in the SATS-LN and the specimens.

Part Six Commercial Distribution

Paragraph 1 Domestic commercial distribution

Article 60

(1) Domestic commercial distribution of plant or animal specimens shall be referred to activities of distribution of plant or animal specimens, whose purpose is intended to obtain economic benefits, whether in cash or in kind and intended for re-sale, exchange, provide service or other forms of utilization, within the country.

(2) Domestic commercial distribution referred to paragraph (1) shall only be undertaken by Domestic Distributor referred to in Article 43.

Article 61

All and any activities of domestic commercial distribution shall be covered by Permit for Domestic Transport of Wild Plants and Animals (SATS-DN).

Paragraph 2 Foreign Commercial Distribution

Article 62

Foreign commercial distribution of plant or animal specimens shall be referred to trade and exhibition, including travelling live-animal exhibitions, through activities of export, import, re-export, and introduction from the sea, whose purpose is intended to obtain economic benefits, whether in cash or in kind and intended for re-sale, exchange, provide service or other forms of utilization or economic benefits, from or to a foreign country.

Article 63

(1) Foreign commercial distribution, whether export, import, re-export, or introduction from the sea, shall be covered by Permit for Foreign Transport of Wild Plants and Animals (SATS-LN).

(2) Officers of Regional Office or Customs or Quarantine shall verify the information contained in the SATS-LN, or in the case of import, in the import permit issued by authority from the exporting country, and the specimens.

Article 64

Export, Import, Re-export or Introduction from the sea for commercial purposes of specimens of wild plant or animal of the protected species and or listed in CITES Appendix-I is prohibited.

Article 65

(1) Import for commercial purposes, captive bred or artificially propagated specimens of Appendix-I animal or plant species, or of Appendix-11, Appendix-III or non-Appendix species, shall be covered by SATS-LN for import.

(2) Import of specimens of the Appendix-I, Appendix-II and Appendix-III species shall be covered by export or re-export permit or in case of Appendix-III, certificate of origin issued by CITES Management Authority of exporting country.

(3) Import of specimens of CITES-listed species from non range country, shall be covered by re-export certificate issued by CITES Management Authority of re-exporting country.

(4) Re-export certificate referred to in paragraph (3) shall inform the name of the country of origin and reference of export document of the country, where the specimen was originally harvested or captured.

Article 66

Particularly for foreign distribution in the forms of export, import or re-export of specimens of cut flowers resulted from artificially propagated plants whose parents were legally obtained, are exempted from the provision of Article 63.

Part Seven

Documents for Distribution of Plants and Animal Specimens

Paragraph 1

General

Article 67

(1) Documents for Distribution of specimen of plant or animal species consist of:

- a. Permit for Domestic Transport of Wild Plants and Animals (SATS-DN);
- b. Permit for Foreign Transport of Wild Plants and Animals (SATS-LN).

(2) Permit for Foreign Transport of Wild Plants and Animals (SATS-LN) referred to paragraph (1) clause b, comprises of:

- a. CITES permit or certificate;
- b. Non-CITES permit or certificate.

Paragraph 2

Permit for Domestic Transport of Wild Plants and Animals (SATS-DN)

Article 68

(1) Permit for Domestic Transport of Wild Plants and Animals (SATS-DN) at least covers the following information:

- a. Name and complete address of the permittee and the consignee of the specimens which will be transported;
- b. Name of species, local and scientific;
- c. Type of specimen;

- d. Number of specimen (volume);
- e. Port of departure and port of destination;
- f. Purpose of utilization of wild plants or animals;
- g. Information on document of the origin of the specimens;
- h. Period of validity;
- i. Other information.

(2) SATS-DN referred to paragraph (1) shall be valid for a maximum period of 2 (two) months since the date of issuance.

(3) Especially for transporting live animal, there shall be conditions stated in the permit as follows:

- a. The transport shall be done so as to minimize risks of death, injury and stress;
- b. Facilities for transport shall take animal welfare and animal and environmental safety, into account;
- c. If using air transport, the transport handling shall be in accordance with the IATA (International Air Transport Association) regulation concerning transport of live animals, and other relevant regulation.

(4) Besides SATS-DN, transport shall also be covered by other certificates issued by competent authority, regulated by current law and regulation.

(5) Format of SATS-DN is further regulated by the Director General.

Article 69

(1) SATS-DN shall be issued by the Head of Regional Office or by the Head of District Section authorised thereof.

(2) The SATS-DN may be issued after it has been shown the existence of:

- a. Permit for Domestic Distribution;
- b. Related documents concerning the legal source of the specimens; and
- c. Report on stock of the specimens.

(3) Information on the legal source referred to in paragraph (2) consists of permit for harvest or capture, or SATS-DN from other region.

(4) Number of specimens and the species in the SATS-DN issued at the current year, shall not exceed the quota of harvest or capture within the current year and the current region.

(5) SATS-DN shall only be valid for 1 (one) shipment and shall be cancelled by the Head of Regional Office or the Head of District Section of the destination.

(6) In case of individual obtained the specimen from registered distributor, legality concerning the source of specimen referred to in paragraph (2) shall be covered by invoice or receipt of purchase and legalised by at least Head of District Section.

Paragraph 3

Permit for Foreign Transport of Wild Plants and Animals (SATS-LN)

Article 70

(1) Director General, in accordance with its competence as the CITES Management Authority for Indonesia, shall issue SATS-LN to cover international distribution of specimens of wild plant or animal of the species included or not included in the CITES Appendices, for commercial or non-commercial purposes, after it has been satisfied that the following documentations are shown and proven:

- a. Permit for Commercial Foreign Distribution of wild plants and animals; and/or
- b. Related permit concerning legal source of the specimen, such as permit for harvest or capture, and Permit for Domestic Transport (SATS-DN).

(2) SATS-LN referred to paragraph (1) may be in the forms of:

- a. SATS-LN Export, or for species included in the CITES Appendices is known as CITES-EXPORT PERMIT;
- b. SATS-LN Import, or for species included in the CITES Appendices is known as CITES-IMPORT PERMIT;
- c. SATS-LN Re-Export, or for species included in the CITES Appendices is known as CITES-RE-EXPORT PERMIT;
- d. SATS-LN Certificate of Origin for species included in the CITES Appendix-III, and is known as CITES-CERTIFICATE OF ORIGIN;

- e. SATS-LN Certificate of Introduction from the Sea for species included in the CITES Appendices, and is known as CITES-INTRODUCTION FROM THE SEA;
- f. SATS-LN Certificate of Pre-Convention for species obtained before CITES provision came into effect to that species, and is known as CITES-CERTIFICATE OF PRE-CONVENTION.

(3) SATS-LN referred to in paragraph (2) shall be made standard and in accordance with the guidelines set in the CITES Resolution of the Conference of the Parties, and printed in two languages, Indonesian and English, while SATS LN to cover non-CITES species shall be further regulated by Director General.

Article 71

(1) SATS-LN Export for commercial purposes may be granted to cover exports of specimens of unprotected species included in the Appendix-I, Appendix-II or Appendix-III or NonAppendix, and shall meet the following conditions:

- a. The specimens are of wild caught or wild harvest and the species is listed in the current quota or the Scientific Authority has advised that the export would not be detrimental to the wild population;
- b. The specimens are products of captive management, including wild-based population management;
- c. The specimens are obtained in legal manner, shown by the existence of SATS-DN or permit for harvest or capture, or certificate of products of captive management, or other documents showing legality of the source of specimens.

(2) SATS-LN Export shall not be issued for commercial purposes to cover export of specimens of protected species and or included in CITES Appendix-I, except those of captive management products which have met the requirements of captive management.

(3) SATS-LN Export for non-commercial purposes to cover wild caught specimens of Appendix-I species, shall only be issued after the Management Authority of importing country issued CITES Import Permit.

Article 72

(1) SATS-LN Import for commercial or non-commercial purposes may be issued to cover import of captive bred or artificially propagated specimens of the species included in Appendix-I SATS-LN, specimens of species included in Appendix-II, Appendix-III or non-Appendix.

(2) SATS-LN Import for non-commercial purposes for specimens of the species included in Appendix-I shall not be issued before advice from the Scientific Authority has been received.

(3) SATS-LN Import shall not be issued for commercial purposes to cover import of wild caught specimens or products of captive breeding from operation not registered with CITES Secretariat of the species included in Appendix-I.

(4) SATS-LN Import for commercial purposes to cover import of bred Specimens of the species included in Appendix I shall only be granted to the captive breeding operation which has been registered with the CITES Secretariat.

(5) SATS LN Import referred to in paragraph (1) shall not be issued to cover specimens of the species known to be:

- a. Exotic or alien species potential to be able to be harmful to the environment when released into the wild habitat, such as become invasive or fierce;
- b. Potential to disperse or carry diseases dangerous to human or livestock or wild animal in the natural habitat.

Article 73

(1) SATS-LN Re-export for commercial or non-commercial purposes may be issued to cover export of previously imported specimens of the species of plants or animals included in Appendix-I, Appendix-II, Appendix-III or Non-Appendix.

(2) Issuance of SATS-LN Re-export to cover specimens of the species included in Appendix-I, Appendix-II and Appendix-III to CITES, whether for commercial or non-commercial purposes, shall only be done after legality requirements on import referred to in Article 72 are met.

(3) Legality of import referred to in paragraph (2) shall be shown by the existence of:

- a. CITES Import permit from the Director General as the Management Authority mentioning that the purpose of import was commercial;

- b. Export or re-export permit or certificate of origin from the country of the last export;
- c. Airway bill or bill of lading from the carrier;
- d. information on Imported Goods from Customs.

(4) SATS-LN Re-export to cover specimens of the species included in Appendix-I and not of captive bred specimens, shall only be granted after the following requirements are met:

- a. Country of proposed destination has issued CITES import permit;
- b. The Scientific Authority has advised and agreed that the re-export would not be detrimental to the wild population.

Article 74

(1) SATS-LN Certificate Introduction from the Sea for commercial or non-commercial purposes to cover introduction from the sea specimen of wild plants and animals included in CITES Appendices.

(2) SATS-LN Certificate Introduction from the Sea shall only be issued when:

- a. If the specimen introduced from the sea are of wild caught, the species must be in the list of quota; or
- b. The Scientific Authority has advised that such an introduction from the sea would not be detrimental to the wild population.

Article 75

SATS-LN Certificate Introduction from the Sea for commercial purposes shall be valid only for specimen of the species included in Appendix-II or of Appendix-I species transferred to Appendix-II in the Conference of the Parties.

Article 76

(1) SATS-LN export, Import, Re-export, Certificate of Origin, or Certificate of Introduction from the Sea, shall not be issued retrospectively, unless under the prior consent by both Management Authorities in the country of destination and in Indonesia.

(2) Retrospective issuance of SATS-LN referred to in paragraph (1) shall be referred as an issuance of permit when the specimens have arrived in the destination or in transit.

Article 77

(1) To obtain SATS-LN for commercial purposes, applicant shall submit application to the Director General.

(2) Application referred to in paragraph (1) shall meet the following requirements, and accompanied by the following documents:

- a. Applicant shall be the holder of Permit of Foreign Commercial Distribution;
- b. Documents of legality of the source of specimens, such as permit for harvest or capture or SATS-DN;
- c. Report on changes of stock of wild plants and animals;
- d. Recommendation from the Head of Regional Office accompanied by Official Record of Inspection on the stock of wild plant or animals for export.

(3) Based on the application referred to in paragraph (1), Director General may issue SATS-LN for commercial purposes.

(4) SATS-LN referred to in paragraph (3) is granted for the maximum period of G (six) months, since the date of issuance, except for import, may be valid for maximum 1 (one) year.

Article 78

(1) Specifically for specimens of artificial propagation of particular horticulture plants, the export is exempted from provision of Article 77 paragraph (2) clause b, clause c, and clause d.

(2) Specimens of artificial propagation of particular horticulture plants referred to in paragraph (1) include:

- a. Artificially propagated hybrid of orchids (Orchidaceae) from the genus included in CITES Appendix-II;
- b. Artificially propagated plants of the species included in Appendix-II other than orchids, whether native or non-native to Indonesia.

(3) Exemption referred to in paragraph (1) may be granted to the distributor of artificially propagated plants, whose products shall be reported monthly to the Director General, and verified by the Head of Regional Office by doing cross check.

(4) Artificially propagated specimens of orchids (Orchidaceae) of the following are exempted from the obligation of using SATS-LN, namely:

- a. Seedlings or tissue culture of orchids included in Appendix-I, Appendix-II, and Appendix-III, obtained in vitro, in liquid or solid media, transported in sterile containers, and which were produced from legally obtained parental stocks.
- b. Cut flowers produced from artificially propagated plants of the species included in CITES Appendix-II;
- c. Fruit and parts and derivatives thereof produced from artificially propagated plants of the genus Vanilla.

Article 79

(1) In order to obtain SATS-LN for non-commercial purposes, applicant shall submit application to the Director General.

(2) Application referred to in paragraph (1) shall meet the following conditions:

- a. There shall be recommendation by the Head of Regional Office accompanied by Official Record of Inspection of the applied specimens, except for scientific purposes, the application may only be accompanied by recommendation of the Scientific Authority (LIPI);
- b. For scientific and exchange purposes it shall be in accordance with the current regulation.

(3) Based on the application referred to in paragraph (1), the Director General may issue SATS-LN for non-commercial purposes.

(4) SATS-LN referred to in paragraph (3) shall be valid for maximum of 6 (six) month period since the date of issuance, except for import, it may be valid for a maximum of 1 (one) year period.

Part Eight

Fee of Utilization of Wild Animals and Plants

Article 80

(1) Fee for Provision of Forest Resources (PSDH) shall be levied to any utilization of wild plants and animals taken from the wild, as the compensation to the intrinsic values of the resource.

(2) The levy of the PSDH referred to in paragraph (1) shall be based on the basic price of the resource.

(3) Fee levied on the utilization of wild plants and animals is regulated by current law and legislation.

CHAPTER IV COORDINATION AND THE ROLE OF THE COMMUNITY

Part One Coordination

Article 81

(1) Director General as the CITES Management Authority shall coordinate in development of policy, implementation of the Convention and law enforcement, especially with Director General of Custom, Police of the Republic Indonesia and Quarantine.

(2) In order to assist with its works as the Management Authority, the Director General may form working groups, which consist of related agencies institutions and or develop Memorandum of Understanding with related agencies in order to strengthen the function of each agency and to assist each other in the development of policy, implementation of the Convention and law enforcement referred to in paragraph (1).

Part Two The Role of Universities and Other Scientific Institutions

Article 82

(1) Universities, Research Institutions and other competent Scientific Institutions, whether local, national or international, may take their roles in the framework to support the endeavours in development of policy on sustainable utilization of wild plant and animal species.

(2) The roles referred to in paragraph (1) may be in the forms of research and study in order to assist on the development of scientific basis for sustainable use of wild animals and plants.

(3) Provisions referred to in paragraph (2) shall be conducted in accordance with the existing law and regulation.

Part Three

The Roles of Non Government Organization

Article 83

(1) Environmental Non Government Organizations, Groups of Nature Lover, and Interest Groups on Environment may also play their roles in monitoring of the trades, providing inputs and assessment on the potential of the population of wild animals and plants in the wild, capacity building and assisting to strengthen law enforcement.

(2) In playing their roles referred to in paragraph (1), Non Government Organizations may work in collaboration with the Management Authority and the Scientific Authority.

Part Four

The Roles of Association

Article 84

(1) Association of wild plants and animals users shall be referred to as a non-profit organization whose members consist of companies and business units holding permits for commercial domestic or foreign distribution and utilization of plants and animals.

(2) Association referred to in paragraph (1) shall be formed by and for the members of association, and in order to run its function, it may collect fees from the member.

Article 85

(1) Association referred to in Article 85 shall be formed with the aims to assist the permit holders, as to guide the permit holders to run the business in accordance with the conservation principles.

(2) Association referred to in paragraph (1) shall function as the space for the permit holders, shall have the following roles:

- a. assist the members in order to improve the competitiveness of the plants and wildlife in overseas markets;
- b. implementation of CITES, such as monitoring the implementation of population surveys or inventories as consideration of setting the quotas, the allocation of export quotas, trade monitoring, monitoring of illegal activities, whether conducted

by members and non-members, and implement initiatives that help conserve endangered species of flora and wildlife traded;

- c. nurture its members to trade execution and satawa wild plants in accordance with the regulations and legislation in force.

Article 86

(1) Association referred to in Article 84 shall be positioned as the partner for the Government in undertaking guidance and control of trade in the specimens of wild plant or animal species.

(2) Association referred to in paragraph (1) shall not be responsible to the Government but hold the responsibility to its members.

CHAPTER V CONTROL AND GUIDANCE

Part One

Control on Harvest or Capture of the Specimens of Wild plants or Animals

Paragraph 1 General

Article 87

(1) Control on harvest and capture of the specimen of wild animal and plant species shall be conducted by:

- a. Head of Regional Office;
- b. Community.

(2) Control referred to in paragraph (1) shall be conducted with the aims:

- a. Harvest or capture of wild animal and plant specimen does not exceed the quota which have been allocated;
- b. Harvest or capture of wild animal and plant specimen is in accordance with the designated location and region;
- c. Harvest or capture of wild animal and plant specimen is not detrimental to the wild population or habitat and in the case of the utilization of live specimens, will not pose any risk of injury and death caused by mishandling in the harvest or capture.

Article 88

- (1) The control whose aim is referred to in Article 87 paragraph (2) clause a shall be conducted through monitoring of harvest or capture in the field and cross-checking of the reports on the result of harvest or capture in the collection place.
- (2) The control whose aim is referred to in Article 87 paragraph (2) clause b shall be conducted through undertaking regular monitoring in the places where harvest or capture is conducted.
- (3) The Control referred to in paragraph (1) shall be undertaken to assure that harvest or capture is in accordance with the species, number of specimen, size of specimen and designated location as indicated in the harvest or capture permit, and in accordance with the current legislation.
- (4) The control whose aim is referred to in Article 87 paragraph (2) clause of c shall be conducted by controlling the use of equipments, method of harvest or capture and the way of collection.

Article 89

- (1) Head of Regional Office shall make Official Record of Inspection when the control referred to in Article 88 was undertaken by physical inspection of the specimens resulted from the harvest or capture.
- (2) Head of Regional Office shall keep record and update data for the purpose of monitoring of harvest or capture.
- (3) Head of Regional Office shall report the entire activities of control and monitoring as referred to in paragraph (1) and paragraph (2) to the Director-General.
- (4) Further provisions regarding the Official Record of Inspection and reporting system shall be regulated by Director-General.

Article 90

Head of Provincial Office shall pursue with the judiciary process of all violation and crime committed in relation to harvest and capture of wild plants or animals.

Paragraph 2 Marking

Article 91

(1) In order to control the utilization, marking shall be conducted to the wild animals and plants especially to the specimens of the followings:

- a. Products of Captive Management, including the products of wild-based population management;
- b. Wild-caught specimens, of certain species requiring control, specifically as the results of the review of species in significant trade by the CITES Animals Committee.

(2) Format, size, and tagging procedures for the specimen referred to in paragraph (1) shall be adapted to the species concerned.

(3) Further provisions, concerning marking shall be regulated by separate Ministerial Regulation.

Part Two Control of Domestic Distribution

Article 92

(1) Head of Regional Office shall conduct inspection and control of the possession of wild animal plant specimens, either protected or unprotected species, whether included in Appendix-I, Appendix-II or of Appendix-III.

(2) All possession of specimens referred to in paragraph (1) shall be covered by authentic evidence indicating that such specimens were legally acquired.

Article 93

(1) Head of Regional Office shall conduct inspection and control of domestic exhibition and contest involving wild animals.

(2) Exhibition and contest, which involve animals referred to in paragraph (1) shall be prohibited when involving wild caught specimens of species whether protected or unprotected and whether included in Appendix-I, Appendix-II or Appendix-III CITES.

(3) All specimens of animal species exhibited or contested referred to in paragraph (1), shall be covered by authentic evidence indicating that such specimens were legally acquired.

Article 94

(1) Head of Regional Office shall conduct inspection and control trade in the specimens of wild animal species in animal markets and other places selling the specimens of wild animals, such as restaurants, traditional medicine shops and souvenir shops.

(2) All specimens of animal species traded in animal market and other places referred to in paragraph (1), shall be covered by authentic evidence indicating that such specimens were legally acquired.

Article 95

Head of Regional Office shall pursue to the judiciary process of all violation and crime related to domestic distribution of specimens of wild animal and plant species in accordance with the current law and regulation.

Part Three

Control on Distribution of Export, Import, Re-export and Introduction from the Sea

Article 96

(1) Control of distribution of Export, Import, Re-export and Introduction from the Sea shall be conducted through inspection and monitoring of permits in accordance with CITES provisions.

(2) Control of distribution through permit inspection as mentioned in paragraph (1) is undertaken by issuance of permits SATS-LN and cross examination between document and the specimens of wild animal and plant being transported.

(3) Control of distribution through permit monitoring referred to in paragraph (1) is conducted through development of reporting system of actual transaction.

Article 97

(1) Specimens of wild plants or animals for Export/re-export or import or introduction from sea shall be covered by original SATS-LN.

(2) SATS-LN referred to in paragraph (1) shall not be valid if the verification column is not verified and signed by the authorized official referred to in Article 59 and Article 63.

(3) Authentic SATS-LN referred to in paragraph (1) shall be submitted to the CITES Management Authority of the country of destination, when the specimens have arrived at the country of destination.

Article 98

(1) Head of Regional Office or authorized officer or Customs officers or Quarantine officers shall verify by examining SATS-LN document and the exported specimen that and fill the results of inspection on the column of inspection on SATS-LN referred to in Article 59 and Article 63.

(2) For the reason of inspection efficiency, verification referred to in paragraph (1) may be undertaken in the place of specimen packaging.

(3) Packaging or container which have been inspected and found in compliance with the conditions stated- in the SATS-LN shall then be sealed.

(4) Sealed referred to in paragraph (3) shall be made and determined by Head of Regional Office and communicated to the inspection officers in field.

(5) One copy of verified SATS-LN referred to in paragraph (2) shall be sent to the Director General.

Article 99

(1) Specimens of wild animal and plant species introduced into the jurisdiction of the Republic of Indonesia (imported) shall be subject to inspection.

(2) Inspection referred to in paragraph (1) shall be conducted in ports of import (customs area), including in border inspection posts.

(3) Inspection of the specimens of wild animal and plant species referred to in paragraph (1) shall be conducted by Customs Officer or Quarantine Officers assisted by Forest Special Police.

Article 100

Specimens of the wild plant and animal species introduced into Indonesian territory (imported) shall be regarded as illegal when found to meet the following matters:

- a. For specimens of the species included in Appendix-I, Appendix-II and Appendix-III, they are not covered by authentic CITES

export permit from the Management Authority of exporting country, and import permit from the Management Authority of Indonesia;

- b. For specimens of the non-appendices species for commercial purposes, they are not covered by SATS-LN import from the Director General;
- c. For specimens declared on the labels or containers as containing parts or derivatives thereof of species included in the CITES Appendices, but which are not covered by any CITES document.

Article 101

The Head of Regional Office shall pursue to take legal process of any violation concerning export, import, re-export and introduction from the sea, in accordance with the current law and legislation.

Part Four Reporting

Paragraph 1 Reporting on the domestic distribution

Article 102

(1) Every holder of permit for commercial harvest or capture for trade purposes, who has undertaken collection of wild plant or animal specimens, shall make records and submit reports concerning the stock pile of the wild plant or animal specimens to the Head of Regional Office in monthly basis.

(2) The Head of Regional Office shall cross check the reliability of the reports referred to in paragraph (1).

(3) The Head of Regional Office shall report to the Director General on all permits it has granted and the results of harvests and captures in its area of responsibility.

(4) The mechanisms concerning the reporting referred to in paragraph (1), shall be further regulated by Director General.

Article 103

(1) Holders of the Permit for Domestic Distributors shall make records on the stock pile and submit reports on the trade in the specimens of wild plants or animals.

(2) Reports referred to in paragraph (1) are in the forms of actual transaction reports and periodical reports every three months (quarterly reports) and every year (annual reports) to the Head of Regional Office with a copy sent to the Director General.

(3) Transaction reports referred to in paragraph (2) consists of:

- a. Actual use of SATS-DN, which shall be reported at least 1 (one) week after the specimens were shipped to the destination;
- b. Unused documents SATS-DN shall be reported at least 1 (one) week after the date of expiration of the SATS-DN;
- c. Original copy of SATS-DN shall be submitted to the Director General.

(4) Quarterly reports and annual report are summary transaction reports and the reports concerning change in stock caused by mortality and birth, and other causes.

(5) Particularly for annual reports, it shall be accompanied by Annual Work Plan, containing the plan for the next one year.

(6) The Head of Regional Office shall cross check the records and reports referred to paragraph (2) with the actual specimens and changes in the field.

(7) The Head of Regional Office shall send a copy of the SATS-DN granted to the Director General, at least three working days after the date of issuance.

(8) In each end of December, the Head of Regional Office shall submit a report concerning the actual transaction on the domestic distribution of wild plants or animals, to the Director General.

Paragraph 2 Reporting on the foreign distribution

Article 104

(1) Holders of Permit for Foreign Distribution of wild plant and animal specimens shall submit reports concerning the realization of foreign trade in specimens of plants or animals based on the SATS-LN granted.

(2) Reports referred to in paragraph (1) are in the forms of transaction reports and periodical reports every three months (quarterly reports) and every one year (annual report) to the Director General.

(3) Especially for Annual Report, it shall be accompanied by Annual Working Plan, containing the plan for the one coming year.

(4) Transaction reports referred to in paragraph (2) consist of:

- a. Actual use of SATS-LN which shall be reported at least 1 (one) week after the specimens were shipped to the destination;
- b. Unused Documents of SATS-LN shall be returned to the Director General at least 1 (one) week after the date of expiration;
- c. The original SATS-LN which shall cover the shipment to the country of destination, shall be submitted to the CITES Management Authority of the country of destination;
- d. SATS-LN export or export permit from the country of export which cover the import of specimens of wild plant or animal species included in the Appendices to Indonesia, shall be submitted to the Director General.

(5) Quarterly reports and annual reports shall consist of the summary of transaction reports and the changes on stockpile because of death, birth, or other causes.

(6) The report to the Director General as the CITES Management Authority shall include reports on:

- a. Actual use of SATS-LN which shall be submitted at least 1 (one) week after the specimens were actually shipped from the port of export to the country of destination, by individual or by business unit;
- b. The return of unused document SATS-LN shall be done 1 (one) week after the date of expiration of SATS-LN.

Article 105

(1) Director General shall submit annual reports and biennial reports to the CITES Secretariat.

(2) Annual reports referred to in paragraph (1) contain reports on the actual transaction of export, import, re-export and introduction from the sea specimens of the species included in the CITES Appendices.

(3) Biennial reports referred to in paragraph (1) contain development on legislation, regulation and administrative implementation of CITES enforcement.

(4) Annual reports referred to in paragraph (1) shall be submitted to CITES Secretariat at least on October of the following year, while biennial reports may be submitted separately or together with the annual report.

(5) Format of the annual and biennial reports shall be in accordance with CITES provisions.

Paragraph 3 Information systems and data base

Article 106

In order to develop effective control system on the wild plants and animal utilization, Director General, based on the developed reporting system, shall develop information system and updated data base concerning harvest or capture, domestic distribution, and foreign distribution.

Part Five Supervision

Article 107

(1) The Head of Regional Office shall undertake supervision on the people undertaking harvest and capture, registered collectors and holders of the permit for domestic distribution of wild plants or animals, periodically every three months.

(2) Holders of Permit for domestic distribution of wild plants or animals shall undertake supervision on their working partners, namely people undertaking harvest or capture of wild plants or animals.

(3) The exporters, under the coordination by association, together with Regional Office shall undertake supervision on the registered domestic distributors and collectors.

(4) Director General shall undertake supervision on the Head of Regional Offices, Foreign Distributors, and association.

Article 108

(1) Director General shall publish guidelines, directions, and technical standards related to the utilization of wild plant and animal species and undertake dissemination of the above provisions.

(2) For the Publication of guidelines, directions, and technical standards referred to paragraph (1) the Director General may cooperate with non governmental organizations, universities, scientific institutions national or international.

CHAPTER VI LAW ENFORCEMENT AND SANCTIONS

Part One Designation of Law Enforcement Officers

Article 109

(1) Director General may designate Task Force whose members may consist of Civil Servant Investigators from the Central Government and from the Regional Offices of the Directorate General.

(2) Task Force referred to in paragraph (1) shall have the duties to undertake observation and investigation and pursue the legal process on cases of violation of current law and regulation related to wild plants and animals at the national or inter-provinces level and international levels.

Article 110

(1) Head of Regional Office whose areas of duties include ports of export or import shall undertake coordination with the officials of Customs, Animal Quarantine, Plant Quarantine and Fish Quarantine.

(2) For the implementation of coordination referred to in paragraph (1) the Head of Regional Office may develop formal cooperation in the form of Memorandum of Understanding.

Part Two Confiscation (Seizure)

Article 111

Specimens of plants or animals involved in the violation of Article 26 paragraph (1), Article 27 paragraph (1), Article 57, Article 59, Article 61, and Article 63, shall be liable for confiscation in accordance with Article

64 paragraph (1) and paragraph (2) of the Government Regulation No. 8/1999.

Part Three Sanctions

Article 112

(1) Whosoever undertakes violation to the current provisions under this Regulation shall be liable for sanction in accordance with the Government Regulation No. 8/1988 concerning Wild Plants and Animals Utilization.

(2) Sanction in the forms of administrative fines and penalty on permit cancellation or revocation shall be imposed by the authority, granting the permit, and fines shall be paid to the State Treasury.

(3) Cancellation or revocation of permit referred to in paragraph (2) may be imposed after the offender has been given three sub-sequent notices (warning) with the time interval for each notice is 30 (thirty) calendar days.

CHAPTER VII DISPOSAL OF CONFISCATED (SEIZED) SPECIMENS

Part One Disposal of Confiscated Specimens

Article 113

(1) Confiscated specimens referred to in Article 11 I, for live animals, the Head of Regional Office shall as soon as possible dispose, without affecting the legal process in the judiciary, with the following alternatives:

- a. Transfer to the care facilities, such as zoos, rescue centres, or animal rehabilitation centres; or
- b. Return to the country of origin, under the expense of Such a country, if they are of imported specimen; or
- c. Return to the wild habitat; or
- d. Auctioned, for unprotected species and species not included in Appendix-I; or
- e. Destroyed (euthanasia), if it is regarded as being dangerous because of diseases or other causes.

(2) Confiscated specimens referred to in Article 111 , for live plants, shall as soon as possible dispose, with the following alternatives:

- a. Transfer to the ex situ care facilities, such as Botanical Garden, Educational Institutions, other non-commercial facilities; or
- b. Return to the country of origin, under the expense of such a country, if they are of imported specimens; or
- c. Auctioned, for unprotected species and species not included in Appendix-I; or
- d. Destroyed if it is regarded as being dangerous because of pests and diseases or other causes.

(3) Confiscated specimens referred to in Article 111, for dead plant or animal specimens or parts or derivatives thereof, without affecting the specimens as an evidence for judiciary, may be disposed with the following alternatives:

- a. Auctioned, for unprotected species and spec-MS not included in Appendix-I;
- b. Transfer to the Museums, of Zoology or Botany if the specimens are valuable for scientific and education purposes when collected in the museum;
- c. Destroyed, if the specimens are of protected species included In Appendix-1 and valueless for scientific and educational purposes.

Article 114

(1) Evidence of violation on the provisions of this decree and other current law and regulation, which was intercepted in the country of destination or country of transit, shall be regarded as belong to the State, and when returned to Indonesia, it shall be used for legal processes (investigation and evidence in the court).

(2) The cost for the return of the evidence referred to in paragraph (1) shall be borne by the exporter or by the importer, in accordance with the regulation in the country of destination.

(3) The evidence referred to in paragraph (1) for dead specimens, may be:

- a. Auctioned, for unprotected species and not included in Appendix-I;

- b. Sent to the Museum of Zoology or Botany, if the specimens are valuable for scientific purposes;
- c. Destroyed, if the specimens are of the protected species included in Appendix-I and valueless in terms of scientific value.

Article 115

The money resulting from the auction referred to in Article 113 paragraph (1) clause d, paragraph (2) clause c and paragraph (3) clause d shall be deposited to the State Treasury.

Article 116

(1) Auctioned specimens referred to in Article 113 paragraph (1) clause d, paragraph (2) clause c, and paragraph (3) clause a, may be exported by reducing the quota of harvest or capture of the following year.

(2) The Head of the regional Office shall report to the Director General on all confiscation made referred to in Article 112 and on the specimens auctioned, in order to include in the calculation of the following year's quota;

(3) Director General, on the basis of the report of the Regional Office, shall increase the quota of harvest or capture of the current year;

(4) Director General, in the establishment of the following year's quota shall take into account the auctioned specimens.

Part Two Rescue Centres

Article 117

(1) In order to reduce the risks of death of confiscated and or submission from the community of Live animals, in order to fulfil CITES requirement, Director General shall facilitate the development and the building of Rescue Centres in several regions.

(2) Rescue Centres referred to in paragraph (1) shall be regarded as transit place and temporary care for confiscated live animals.

(3) In order to facilitate the development and the building of Rescue Centres, Director General may cooperate with third party.

(4) Provision referred to in paragraph (3) shall be further regulated by Director General.

CHAPTER VIII
TRANSITIONAL AND CLOSING PROVISIONS

Article 118

By the establishment of this decree, further provisions concerning Study, Research and Development, Captive Management, Hunting, Trade, Exhibition, Exchange, Culture of Medicinal Plants, and Care for Hobby, shall be regulated in separate Ministerial Regulation.

Article 119

By the establishment of this decree, therefore:

- 1. Regulation of the Minister of Forestry No. 62/Kpts-11/1988 concerning Management Directive of the Distribution of Wild Plants and Animals;
- 2. Regulation of the Minister of Forestry and Estates Crops No. 460/Kpts-11/1988 concerning Amendment of Regulation of the Minister of Forestry No. 62/Kpts-11/1988 concerning Management Directive of the Distribution of Wild Plants and Animals;
- 3. Regulation of the Minister of Forestry and Estates Crops No. 104/Kpts-II/2000 concerning the Directives on the Harvest of Wild Plants and Capture of Wild Animals; and
- 4. other rules, procedures and guidelines, which are not in accordance with this decree, are repealed and declared as not valid accordingly.

Article 120

This decree shall enter into force on the date of establishment.

Stipulated in Jakarta
On December 31, 2003

MINISTER OF FORESTRY
Sgd
MUHAMMAD PRAKOSA
