

NOTIFICATION TO THE PARTIES

No. 2022/054

Geneva, 8 July 2022

CONCERNING:

SINGAPORE

Amendment to Singapore's National Legislation – Stiffer penalties and stronger enforcement powers for Singapore to tackle illegal wildlife trade

1. This Notification is being published at the request of Singapore.
2. The Endangered Species (Import and Export) Act ("the ESA") is the principal legislation that supports the implementation and enforcement of CITES regulations in Singapore. The ESA is classified as Category 1 legislation that meets all CITES obligation under the National Legislation Project. The ESA goes beyond Singapore's CITES obligations by including provisions to check and seize CITES specimens in transit.
3. Pursuant to CITES Decision 18.63 on *National laws for implementation of the Convention*, Singapore would like to inform the CITES Secretariat and Parties of the recent legislative review and amendments to the ESA. The amendments to the ESA were passed in Singapore's Parliament on 4 July 2022. The amendments ensure that the ESA remains effective in implementing CITES and tackling illegal trade in CITES species.
4. The enhanced provisions include:

Stiffer penalties for illegal trade in species protected under CITES

- a) The previous maximum fine for illegal trade in Appendix I, II and III species was \$50,000 per species and the maximum imprisonment term was two years. For Appendix-I species, the new maximum fine and maximum imprisonment term for an individual is up to **\$100,000 per specimen** (not exceeding aggregate of \$500,000 or the market value of all specimens at the material time, whichever is higher) and **six years**. For Appendix-II and -III species, the new maximum fine and maximum imprisonment term is up to **\$50,000 per specimen** (not exceeding aggregate of \$500,000 or the market value of all specimens at the material time, whichever is higher) and **four years**.
- b) In addition, for corporate offenders, which includes both companies and individuals acting under the direction of companies, the fines and imprisonment terms will be higher than that for individuals. For Appendix I species, the maximum fine is up to **\$200,000 per specimen** (not exceeding aggregate of \$1,000,000 or the market value of all specimens at the material time, whichever is higher) and the maximum imprisonment term is **eight years**. For Appendix-

II and -III species, the maximum fine is up to **\$100,000 per specimen** (not exceeding aggregate of \$1,000,000 or the market value of all specimens at the material time, whichever is higher) and the maximum imprisonment term is **six years**.

- c) The penalties for the illegal domestic trade in CITES species have also been aligned with those for illegal international trade in CITES species through Singapore. These new enhanced provisions better ensure that penalties issued are proportionate to the offence, to further deter illegal trade of wildlife both internationally and domestically.

Stronger enforcement powers for Singapore to tackle illegal wildlife trade

The new amendments will:

- a) Make clear that items used to deliberately conceal and/or convey CITES specimens, for example, timber planks used to conceal elephant ivory tusks, can be seized and forfeited under the ESA.
- b) Introduce provision to forfeit conveyances such as cars and vans that were used to commit a wildlife trade offence may also be seized and forfeited.
- c) Introduce new safeguards to protect the identity of informers to encourage more individuals to come forward and provide information regarding illegal wildlife trade, which will facilitate our investigations.
- d) Penalize individuals who make or furnish misleading statements, declarations, representations or information, and/or produce any permit or certificate that is misleading in nature
- e) Allow authorized officers to be accompanied by assistants, such as auxiliary police officers, which will enhance operational efficiency
- f) Allow the recovery of costs for the testing of all seized items.

The enhanced provisions strengthen Singapore's investigatory and enforcement powers for wildlife trade offences.

Greater clarity for stakeholders on the scope of Singapore's wildlife trade regulations

The enhanced provision will make clear in the Act:

- a) That animal hybrids of CITES Appendix I and II species are considered as full species;
- b) That faeces, urine or ambergris that are naturally excreted animal by-products are excluded from the Act;
- c) The documents that are needed for CITES species in transit through Singapore; and
- d) That retrospective permits and altered permits are not accepted for the trade of CITES species in Singapore, except under certain conditions.

These amendments will provide greater clarity for all stakeholders on what is allowed or not allowed under the Act and align the Act more closely with CITES Resolutions. CITES Resolutions outline recommendations for the implementation of CITES to ensure that international trade in wildlife is carried out in a way that does not threaten their survival.

- 5. These enhancements strengthen Singapore's regulatory and enforcement regime for the trade in species protected under CITES. It also reflects Singapore's firm commitment and efforts to tackle the global issue of illegal wildlife trade, as a Party to CITES.

6. For further information on the ESA, you can refer to <https://www.nparks.gov.sg/avs/animals/cites/about-cites>, or please contact the CITES Management Authority of Singapore at cites@nparks.gov.sg.