



Wildlife Crime Control Bureau

वन्यजीव अपराध नियंत्रण ब्यूरो

GOVERNMENT OF INDIA
सरकार भारत

MINISTRY OF ENVIRONMENT
FORESTS AND CLIMATE CHANGE
पर्यावरण वन एवं जलवायु परिवर्तन विभाग

File No: 3-10/WCCB/2016/Vol-III/ 527

Dated: 19 June, 2017

OFFICE MEMORANDUM

The Wildlife Crime Control Bureau has been entrusted with the responsibility of assisting the Custom Department in pre/post shipment examination of the consignments meant for export/import through different exit points. For this purpose the Custom Department refer various floral/faunal consignments/specimen to the Bureau for examination and opinion. The officials of the Bureau examine such consignments/specimen and if the consignments/specimen are found to be such that it does not violate the provisions of Wild Life (Protection) Act, 1972 or CITES or the EXIM Policy of the Government, then No Objection Certificate is issued by them.

2. The Regional Deputy Directors of Western, Northern, Southern & Eastern Regions of Wildlife Crime Control Bureau, are also functioning as CITES Assistant Management Authorities and have been entrusted with the responsibility inter alia of issuing Export/Import/Re-Export CITES Permits on behalf of the CITES Management Authority of India for regulating the trade of the species listed in the CITES.

3. The Customs Department has launched the Single Window Interface for Facilitation of Trade (SWIFT) Project to facilitate the trade through different exit points in India. As a Partner Government Agency (PGA) the Wildlife Crime Control Bureau has become an integral part of this project. Accordingly for both exports and import the documents filed by the exporters / importers including the declaration are referred online to the Wildlife Crime Control Bureau for opinion / No Objection Certificate (NOC) in addition to the cases where the Customs Department refer the documents for the consignments of flora and fauna in physical form along with the sealed samples to the Bureau for opinion / NOC. The Bureau has intimated the Customs Tariff Head (CTH) relevant to the Wildlife Crime Control Bureau for both export and import of consignments to the Customs Department vide letter no. 3-10/WCCB/2015/Vol-II/3060 dated 23/12/2016. It is therefore expected that the consignments related to the CTH communicated by the Bureau will be referred to the Bureau for opinion / NOC by the Customs Department online under SWIFT.

4. On implementation of the SWIFT for both export and import by the Customs Department, a large number of consignments pertaining to the CTH relevant to the Bureau are expected to be referred to it online for opinion / NOC which will in turn significantly increase the work load of the concerned officials of the Bureau at its Regional and Sub-Regional Offices entrusted with the responsibility for verification of such consignments. Considering the fact that the Bureau is facing an acute shortage of field officials at present and is unable to deploy its officials at the various exit points on 24 X 7 basis for clearance of the consignments and the fact that only in six locations the officials of the Bureau are posted in India, it is neither feasible nor desirable to conduct physical inspection of all the consignments referred to the Bureau online through SWIFT as it will cause un due delay in clearance of such consignments.

5. India is also a signatory of the Agreement on Trade Facilitation (TFA) and has accordingly notified the Preparatory Committee on Trade Facilitation of its designation of different provisions of the FTA as Category A Commitments and Category B Commitments. Provision 7.4.3 of the said agreement stipulates that to the extent possible Customs control should be concentrated on high risk consignments and the release of low risk consignments should be expedited and the same has been notified as Category B commitment by India.



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The aforesaid agreement also at provision 7.5.2 stipulates that person or consignments should be selected in a risk based manner for post clearance audit which may include appropriate selectivity criteria and the said provision has been notified as Category A commitment by India. The provision 7.7.3 of the TFA stipulates low rate of physical inspections and examinations and rapid release time for the Authorized Operators as appropriate and the same has been notified as Category A commitment by India. The provision 7.9.1 of the TFA also provide for expedited release of all perishable goods provided that all regulatory requirements have been met and the same has been notified as Category A commitment by India.

6. Considering the facts stated at Para 3, 4 & 5 supra and for ease of doing business and for reducing the transaction cost of the import and export of the consignments which are referred online to the Wildlife Crime Control Bureau under the SWIFT Project, the following procedure is hereby stipulated for granting of opinion / NOC by the officials of the Bureau:

- A. Once the relevant declaration filed by the exporter / importer is referred to the Wildlife Crime Control Bureau, by the Customs Department, online, through the SWIFT, the concerned officials should carefully check whether the name / trade name / local name of the product / specimen, the descriptions of the product and the Scientific Name of the species of flora / fauna from which the product / specimen has been made, is available online or not. If any of the aforesaid details cannot be viewed online or is not available online then the concerned Customs officials looking after the SWIFT at the exit points from where the consignment has been referred, should be contacted on e-mail / telephonically and the relevant details should be obtained. For this purpose all the Regional Deputy Directors should maintain a directory of the contact details of all the Nodal Officers of SWIFT/relevant officers of Customs Department of all the exit points in their jurisdiction. Since the trade name / local name of a product / specimen can vary in different locations within the country, the Scientific Name of the species of flora / fauna involved in the consignment is of utmost significance as the identity of the species of flora and fauna can be conclusively determined based on Scientific Name only.
- B. Once all the aforesaid details regarding the referred consignment have been obtained or all the details are available online, it should be determined whether the species of flora / fauna involved is listed under CITES and / or listed under Wild Life (Protection) Act, 1972 or not. If the species is neither listed in CITES nor in Wild Life (Protection) Act, 1972, and the species can be exported / imported freely as per the EXIM Policy of the Government then the consignment be cleared / released online through issue of NOC based on the declaration given by the importer / exporter without asking for any further details / clarifications / documents except in cases as mentioned at Para- F below.
- C. If the species is listed under the Wild Life (Protection) Act, 1972 then the export / import of the same should not be allowed except as permitted under the said Act. Legal action as per the said Act should be initiated against the exporter / importer for any violation of the said Act. If the species is listed under CITES and not under the Wild Life (Protection) Act, 1972 then all the relevant documents including Legal Possession Certificate (LPC) country of origin etc. as per the relevant guidelines should be verified before clearing the consignment. The stipulations of the EXIM Policy of the Government should also be kept in mind while dealing with such consignments.



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- D. All the Regional Deputy Directors are advised to developed Risk Based selectivity criteria for the species of flora and fauna generally smuggled in their respective regions. The risk based selectivity criteria including the risk indicators and risk parameters should be developed based on the information available with them regarding the illegal trade routes, modus operandi adopted by the smugglers for concealment / mis-declaration to smuggle prohibited wildlife articles / specimen, periodicity of smuggling of a particular product / specimen, suspected destinations and any other relevant criteria as deemed proper. The consignments referred to them should be categorized as high risk or low risk consignments based on the risk based selectivity criteria so developed. The criteria be also reviewed from time to time based on the intelligence inputs available with the Regional Deputy Directors and the same should be intimated to the Bureau Headquarter so that Customs Department can also be informed accordingly.
- E. All the Regional Deputy Directors are also advised to compile a list of individuals / firms / entities who have been found to be involved in cases of smuggling of prohibited wildlife articles / specimen and violation of CITES / EXIM Policy / Wild Life (Protection) Act, 1972 detected at various exit points in their jurisdiction in the past as per their records. The list so compiled be intimated to the Bureau Headquarter so that Customs Department can be intimated to include their names in their Risk Management System (RMS) so that all the consignments of such suspected entities can be referred to the WCCB for physical inspection in future.
- F. Physical inspection of the consignments referred to Wildlife Crime Control Bureau involving species of flora / fauna neither listed under Wild Life (Protection) Act, 1972 nor listed under CITES, should be carried out in the following circumstances:
- For the consignment categorized as high risk consignment as per the + based selectivity criteria developed for the concerned region.
 - For ten percent of such consignment selected at random per month.
 - The consignments of the individuals / firms / entities who have been earlier found to be involved in cases of violations as mentioned at Para-E above.
 - The consignment for which any intelligence input has been received by the Bureau to the effect that smuggling of prohibited wildlife articles / specimen are being attempted through it.
- G. The Regional Deputy Directors are also advised to conduct Post Clearance Audit of at least 20 (Twenty) firms / individuals / entities per year whose consignments have been cleared based on their declaration only as stipulated at Para-B above. The result of the audit be intimated to Bureau Headquarter from time to time for compilation and record.
- H. For physical inspection and / or for granting of clearance / NOC for the consignments referred to them the Regional Deputy Directors should give priority to the consignments as per the following order of preference:
- Consignments of live animals / live plants.
 - Consignments containing perishable goods.
 - Consignments belonging to the Accredited Clients of WCCB for the categories of the products for which they are enrolled as Accredited Clients.

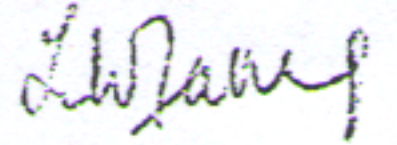


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1. The above guidelines are not applicable for the consignments for which sealed samples are forwarded to the WCCB by the Customs Department for which the guidelines issued under standing order no. 3-10/WCCB/2010/Vol-II/Pt/414 dated 17th April, 2014 as amended from time to time should be followed. The above guidelines are also not applicable for the consignments which are referred to WCCB offline or in other words not through the SWIFT.


(Tilotama Varma)
Additional Director

Copy to:

1. The Commissioner (Single Window), Central Board of Excise and Customs, Ministry of Finance, 3rd Floor, Tower, 4, NACEN COE, NBCC Plaza, Pushp Vihar, Sector 5, Saket, New Delhi – 110017 for information.
2. The Regional Deputy Director, WCCB, Eastern/Southern/Western/Northern Region, for information and necessary action.
3. PS to the Additional Director General of Forest (Wildlife)/CITES Management Authority of India, MoEF&CC, New Delhi for information.
4. The Assistant Director, Trade Division, MoEF&CC, New Delhi for information.
5. The Assistant Director (CITES & Training), Bureau Headquarter, WCCB, New Delhi for information and necessary action.
6. Guard file