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**Law No. (5) of 2021 Regarding the Regulation and Control of the International Trade in Groups of Endangered Species of Animal and Fungal Plants**

We, Hamad bin Isa Al Khalifa, King of the Kingdom of Bahrain.

Having reviewed the Constitution;

Legislative Decree No. (12) of 1986 Regarding the Establishment and Organization of the University of Bahrain, as amended by Legislative Decree No. (18) of 1999;

Decree No. (3) of 1991 Regarding the Accession of the Kingdom of Bahrain to the Convention of the Protection of the World Cultural and Natural Heritage;

Legislative Decree No. (2) of 1995 Regarding the Protection of Wildlife, as amended by Legislative Decree No. (12) of 2000;

Legislative Decree No. (18) of 1996 Ratifying the Biological Diversity Convention;

Legislative Decree No. (21) of 1996 Regarding the Environment, as amended by Legislative Decree No. (8) of 1997;

Decree No. (3) of 1997 Joining the Convention of Wetlands of the International Importance Especially as Waterfowl Habitat (Ramsar) of 1971;

Legislative Decree No. (9) of 2002 Ratifying the Convention on the Conservation of Wildlife and Natural Habitats in the Countries of the Gulf Cooperation Council;

Legislative Decree No. (20) of 2002 Regarding the Regulation of Fishing, Exploitation and Protection of Marine Wealth, as amended by Legislative Decree No. (45) of 2012;

Law No. (5) of 2003 Approving the System (Law) of Agricultural Quarantine in the Gulf Cooperation Council States;

Law No. (8) of 2003 Approving the System of Veterinary Quarantine in the Gulf Cooperation Council States;

Law No. (12) of 2005 Approving the Accession of the Kingdom of Bahrain to the International Convention for the Protection of New Varieties of Plants;

Law No. (2) of 2011 Approving Accession to the Cartagena Protocol on Biosafety to the Convention on the Biological Diversity;

Law No. (27) of 2012 Approving the Accession of the Kingdom of Bahrain into a Convention Regarding International Trade in Groups of Endangered Species of Animals and Fungal Plants;

And Legislative Decree No. (47) of 2012 on the Establishment and Organisation of the Supreme Council for Environment;

The Shura Council and the Council of Representatives have approved the following Law, which we have ratified and enacted:

**Article (1)**

**Definitions**

In applying the provisions of this Law, the following words and expressions shall have the meanings assigned to them below, unless the context requires otherwise:

**Kingdom**: The Kingdom of Bahrain.

**Council**: The Supreme Council for Environment.

**Scientific Authority**: The authorities competent to express the scientific and technical opinion regarding the implementation of the provisions of this Law.

**Concerned Authorities**: Any governmental or non-governmental body – other than the Council and the Scientific Authority – that is relevant to the implementation of the provisions of this Law.

**Competent Directorate**: The Directorate of Biodiversity and Al Areen Wildlife Park at the Supreme Council for Environment.

**Convention**: The Convention for the International Trade in Groups of Endangered Species of Animal and Fungal Plants, which was ratified in the Kingdom by Law No. (27) of 2012.

**The Secretariat**: The Secretariat formed based on the text of Article Twelve of the Convention.

**Appendices**: Appendices No. (1), (2), and (3), attached to this Law.

**Species**: Shall Include animals, plants, or any sub-species thereof, even if they are not within a specific geographical scope.

Specimen:

1- Any animal or plant, living or dead, of the species mentioned in the Appendices.

2- Any part or derivative that shall appear from the accompanying documents, a mark, a label, or other circumstances to be a part or derivative of an animal or plant of the species mentioned in the Appendices, unless this part or derivative is exempted in accordance with the provisions of this Law.

**Export**: The act of taking out any specimen from the Kingdom, in accordance with the laws and customs regulations applicable within the Kingdom.

**Import**: The act of landing, attempting to bring down, bringing or introducing any specimen in any location within the Kingdom, in accordance with the laws and customs procedures, except for transit or unloading with reloading.

**Re-export**: The Act of exporting any specimen that has previously been imported.

**Introduction from the Sea**: The introduction of any specimen into the Kingdom from the marine environment that is not under the jurisdiction of any State, including the airspace over the sea.

**International Trade**: Export, re-export, import or introduction from the sea of specimens.

Transit or Unloading with Reloading: Operations in which the specimen remain under the control of the Kingdom’s customs and on its way to a consignee outside the Kingdom, including any interference with the movement of the specimen as a result of these operations.

Permit or Certificate: The official document used to allow International Trade in specimens.

**Examination**: Ensuring the validity of the Certificates and Permits stipulated in this Law, the regulations or Decisions implementing it, and examining the specimens and taking parts of them – when necessary – for analysis.

**Country of Origin**: The Country from which the specimens were taken, habitat, birthplace, where they were bred in captivity, artificially propagated or where they were collected from the marine environment that is not under the jurisdiction of any State.

**Products of Industrial Propagation**: Plants and their derivatives or any parts thereof produced by humans from seeds, cuttings, bark tissues or other propagation materials in controlled conditions.

**Products of Captive Breeding**: Offspring born or propagated in a controlled environment, in which parents live and breed, born or produced by artificial propagation by transferring gametes, or in any other form in a controlled environment, including any parts of the offspring and eggs.

**Relief Centre**: The place determined by the Council in coordination with the Concerned Authorities to deposit living specimens of fungal organisms that have been confiscated for the purpose of preserving them until further action is taken.

**Article (2)**

**Scope of application**

The provisions of this Law shall apply to International Trade in specimens, and the Appendices shall be considered an integral part of this Law.

**Article (3)**

**Competences of the Council**

The Council shall undertake all the duties and powers necessary to regulate and control the International Trade within the limits of the provisions of this Law, and in particular the following:

1- Cooperating with the Scientific Authority and the Concerned Authorities within the Kingdom to implement the provisions of this Law.

2- Setting the rules, procedures, and requirements, and issuing the necessary regulations and decisions to implement the provisions of this Law.

3- Acting as a national focal point between the Kingdom and the Secretariat of the Convention regarding the implementation of administrative and scientific matters related to the provisions of this Law and Convention.

4- Cooperating with the Convention’s focal points in other States to facilitate the exchange of information related to the Convention.

5- Approving the official seals or tools used to authenticate the Permits and Certificates, and sending a form thereof to the Secretariat or the Executive Committee of any of the Member States of the Convention if any of them so requests.

6- Ruling upon the Permits and Certificates requests, in accordance with the provisions of this Law.

7- Registering the names and addresses of traders and entities, production operations and shares distribution.

8- Creating and maintaining registers for the International Trade in the Kingdom for the specimens. The Implementing Regulation shall determine their operation mechanism.

9- Preparing periodic reports to be submitted to the Secretariat on the following:

A- The International Trade, provided that the reports shall be annual and include a summary of the number and type of Permits and Certificates granted, the States with which that trade took place, the number, quantities, and varieties of specimens, the names of the species as listed in the Appendices, as well as the size and gender of the specimens, if necessary.

B- The procedures made to implement the provisions of the Convention, provided that the reports are biennial.

10- Representing the Kingdom in national, regional and international meetings related to the Convention.

11- Preparing proposals and expressing an opinion on all matters related to the Convention, in conjunction with the Scientific Authority.

12- Ensuring, during any transit or transfer of specimens, that all living specimens are under proper healthcare, in order to reduce the risk of injury, health damage or ill-treatment.

13- Deleting and adding any of the species listed in Appendix No. (3).

**Article (4)**

**Competences of the Scientific Authority**

A- The Scientific Authority has the competence to express its opinion and advice to the Council in all matters of a scientific nature in relation to the implementation of the provisions of this Law, and particularly in the following matters:

1- International Trade in specimens, and the extent to which this affects the survival of the specie.

2- Ensuring that the recipient of the specimen has prepared an area that is suitably equipped to house and care for it.

3- Appropriate measures to be taken, and an indication of the annual share allocated for export, with the aim of putting an end to the Export Permits to prevent the harmful impact on species.

4- The disposition of the controlled specimens or the ones to be confiscated.

5- Protecting species from the harmful impact on their survival due to the International Trade.

B- Reviewing Export Permits for specimens of the species listed in Appendices No. (1) and (2), and monitoring the actual export of these specimens.

C- Any other tasks stipulated in this Law or its Implementing Regulation, assigned by the Council, or stipulated by the Decisions of the Convention’s parties conference.

**Article (5)**

**International Trade Controls**

A- The International Trade in specimens shall be prohibited, except under a Permit or a Certificate from of the Council.

B- The Permit Request for the International Trade in the specimens shall be submitted to the Council and accompanied by the documents and data it specify, in particular the evidence of lawful acquisition of the specimen.

C- The provisions for the specimens of the species listed in Appendix No. (2) shall apply to animals bred in captivity, as well as the species of industrially propagated plants listed in Appendix No. (1).

**Article (6)**

**Export**

The Permit Request for the export of specimens shall be submitted to the Council, and the following conditions shall be fulfilled for granting the Export Permit:

1- The Council shall ensure that the living specimen has been prepared and readied for shipment, in accordance with the latest living animal shipping laws issued by the International Air Transport Association, regardless of the means of transport, in order to reduce the risk of injury, health damage or ill-treatment.

2- The Scientific Authority shall express its opinion regarding the species listed in Appendices No. (1) and (2), stating that the export shall not be harmful or threatening to the survival of the specimen’s species subject to export.

3- The Export Permit shall not be granted for the species listed in Appendix No. (1), except after the importer obtains a Prior Import Permit from the Council or its equivalent authority in the importing State.

4- For the export of the species listed in Appendix No. (3), a Prior Export Permit shall be obtained from the Council in the Kingdom, or a Certificate of Origin if the species has been listed by another State.

**Article (7)**

**Import**

A- The Permit Request for the import of specimens shall be submitted to the Council, and the following conditions shall be fulfilled for granting the Import Permit:

1- The Scientific Authority shall express its opinion that the import of the specimen shall be for non-harmful or non-threatening purposes to the survival of the species subject to import.

2- The Scientific Authority shall express its opinion that the importer of the living specimen has the appropriate equipment to house and care for the specimen.

3- The Council shall ensure that the specimen shall not be subject to business use, contradicting the provisions of this Law.

4- In case of importing any specimen of the species listed in Appendix No. (3), it shall be required to submit a Prior Certificate of Origin and an Export Permit from the exporting State, or to submit a Prior Re-export Certificate issued by the State re-exporting the specimen.

B- In case of importing any specimen of the species listed in one of Appendices No. (1) or (2), it shall be required to obtain a Prior Import Permit issued by the Council in the Kingdom, and an Export Permit or Re-export Certificate from the competent authority in the exporting State.

**Article (8)**

**Re-export**

The Re-export Certificate Request for any specimen of the species listed in the Appendices shall be submitted to the Council, and the Council shall verify the following conditions for granting the Re-export Certificate:

1- The specimens to be re-exported shall have been imported in accordance with the provisions of this Law.

2- The living specimens shall have been prepared and shipped in compliance with the requirements and standards of the International Air Transport Association, reducing the risk of injury, health damage or ill-treatment, and regardless of the means of transportation used.

3- The importer shall obtain an Import Permit from the importing State for the re-export of specimens of the species listed in Appendix No. (1).

4- The Scientific Authority shall express its opinion that the re-export of the living specimen of the species listed in Appendices No. (1) or (2) shall be for non-harmful or non-threatening purposes to the survival of the specie.

**Article (9)**

**Introduction from the Sea**

A- Introduction from the sea is not permitted for any specimen of the species listed in Appendices No. (1) or (2) without obtaining a Permit from the Council, and submitting an Introduction from the Sea Certificate.

B- The Council shall grant an Introduction from the Sea Certificate if the following conditions are met:

1- The Scientific Authority shall express its opinion that the specimen to be introduced from the sea shall not affect or threaten the survival of its species.

2- The Council shall ensure that any specimen of the species listed in Appendix No. (1) is not for business use.

3- The Scientific Authority shall ensure that the recipient of the living species shall have the appropriate equipment to shelter and care for them.

4- The Council shall ensure that any living specimen of the species listed in Appendix No. (2) will be handled in a manner that reduces the risk of injury, health damage or ill-treatment

**Article (10)**

**Permits and Certificates**

A- The Council shall have a discretionary authority in granting Permits or Certificates, and shall rule upon requests within 30 days from the date of their submission. The Council shall have the right to extend this period for a similar period if it deems it necessary. The lapse of this period without a response shall be considered as an implicit rejection of the request.

B- The Competent Directorate shall prepare all International Trade Permits and Certificates, in accordance with the forms specified by the Implementing Regulation of this Law.

C- Export Permits and Re-export Certificates for specimens of the species listed in the Appendices shall be valid for single use within six months from the date of their issuance.

D- Import Permits for specimens of the species listed in the Appendices shall be valid for a single use within twelve months from the date of their issuance.

E- A separate Permit or Certificate shall be obtained for each shipment of specimens.

F- Any copies of a Permit or Certificate issued by the Council shall be clearly marked as copies only, and no such copy shall be used in place of the original, except in the scope marked on it.

G- The Council shall maintain the used Permits and Certificates issued by the concerned authorities in the foreign States, and any corresponding Import Permits after marking their use.

H- Permits and Certificates issued by the Council shall be personal, and shall not be waived to a third-parties.

I- The Council shall cancel or amend any of the Permits and Certificates issued by it, if it is proven that their issuance was based on false information by the applicant.

**Article (11)**

**Registration**

A- Whoever wishes to use one of the specimens of the species listed in Appendices No. (1) and (2) attached to this Law, shall register his data in accordance with the requirements specified by the Directorate in any of the following cases:

1- Displaying the specimens to the public.

2- Producing for business use of Products of Captive Breeding or Products of Industrial Propagation.

3- Practicing of the International Trade.

B- Registered individuals and entities within the Council shall keep registers of the propagation of animals and plants, and the transactions carried out in their regard. The Council shall have the right to inspect these data at any time.

C- The Council has the right to withdraw the registration of individuals or entities that do not comply with the registration requirements.

**Article (12)**

**Fees**

The issuance fees of the Permits, Certificates and registration referred to in Article (11) of this Law, shall be determined by a Decision from the Council of Ministers, based on a proposal from the Council.

**Article (13)**

**Transit or Unloading with Reloading**

A- No Permit, Certificate, or any document from the Council is required for transiting specimens or those that are unloaded and reloaded from the Kingdom, provided that they remain under the customs control or any relevant entity determined by the Council.

B- In all cases, transit or unloading with reloading shall be in accordance with the conditions of carriage stipulated in this Law.

**Article (14)**

**Specimens Possessed before the Entry Into Force of the Provisions of this Law**

A- Whoever acquires a specimen prior to the entry into force of the provisions of this Law, shall apply to the Council within a maximum period of one year from the date of entry into force of this Law to obtain a (Pre-Enforcement Certificate of the Law on the Regulation and Control of the International Trade in Groups of Endangered Species of Animal and Fungal Plants), and the Council may extend that date for a similar period.

B- In case the Council confirms that a specimen has been acquired before the entry into force of the provisions of this Law, it has the right to issue a (Pre-Enforcement Certificate of the Law on the Regulation and Control of the International Trade in Groups of Endangered Species of Animal and Fungal Plants), and no other document is required when trading in this specimen.

**Article (15)**

**Personal and Household Property**

A- The provisions of Article (5) of this Law shall not apply to dead specimens, parts and derivatives of the species listed in the Appendices, if they are personal property that has been introduced into, exported from or re-exported from the Kingdom.

B- The provisions of Article (5) of this Law shall not apply to living specimens of the species listed in the Appendices, if they are personal property and their owner obtains an Ownership Certificate from the Council after completing the requirements and procedures set by the Council for registering this type of specimens.

C- The exemptions stipulated in paragraphs (A) and (B) of this Article shall not apply to specimens of species listed in Appendix No. (1) attached to this Law, when the owner, who maintains his habitual residence in the Kingdom, has obtained them outside the Kingdom and imported them into the Kingdom. Similarly, those exemptions shall not apply to specimens of species listed in Appendix No. (2) in the following cases:

1- If the owner who has his habitual residence in the Kingdom has obtained them outside the Kingdom.

2- If they are imported into the Kingdom as the owner’s State of habitual residence.

3- If the State, from which the specimen is taken from its wild environment, requires obtaining a Prior Export Permit before any export of such specimens, unless the Council has confirmed that the specimens were acquired before the application of the provisions of the current Convention applied to such specimens.

**Article (16)**

**Scientific Exchange**

The documents and data referred to in Article (5) of this Law shall not be required for non-commercial lending of herbaceous specimens, grants, gifts and any non-commercial exchange thereof among scientific institutions registered with the Council, as well as other preserved and dried specimens, those intended for museums, and living plant materials bearing an issued or authorised mark by the Council or its equivalent authority in the exporting State.

**Article (17)**

**Permits or Certificate Exemption**

The Council has the right to exempt the following specimens from the requirement to obtain the Import or Export Permit or Re-export Certificate stipulated in this Law:

1- Specimens that are part of mobile zoos, circuses, plant and animal exhibitions or any other mobile exhibition, provided that the exporter or importer shall register the details of these specimens in full within the Council.

2- Specimens that obtained the (Pre-Enforcement Certificate of the Law on the Regulation and Control of the International Trade in Groups of Endangered Species of Animal and Fungal Plants) in accordance with paragraph (B) of Article (14) of this Law, specimens bred in captivity of the species listed in Appendix No. (1) attached to this Law, and those produced through industrial propagation for non-commercial purposes, and all specimens of the species listed in Appendices No. (2) and (3) attached to this Law.

**Article (18)**

**International Trade with Non-Parties States to this Convention**

When submitting an International Trade Request with a non-party State to the Convention, the Council may accept similar documents to those specified in this Law, issued by the concerned authority in that State, provided that their content shall align with the requirements of this Law.

**Article (19)**

**Grievance**

The concerned party is entitled to file a grievance to the President of the Council against any Decision issued in accordance with the provisions of this Law, within thirty days from the date of its issuance, or it is considered as an implicit rejection.

The grievance shall be ruled upon within thirty days from the date of its submission, and the lapse of that period without a response shall be considered as an implicit rejection of the grievance.

The concerned party has the right to appeal the Decision issued rejecting the grievance, explicitly or implicitly before the competent court, within sixty days from the date of being notified of the rejection of the grievance, or considering it to be implicitly rejected.

**Article (20)**

**Relief Centre**

The Council shall establish or designate a Relief Centre that shall be qualified to maintain the safety of the specimens controlled or confiscated.

**Article (21)**

**Crime Control**

The employees of the Council, who are authorised by the Minister concerned with Justice affairs, in agreement with the President of the Council, shall have the status of Judicial Investigation Officers, in relation to the crimes that occur in violation of the provisions of this Law, and they shall have, in particular, the following:

1- Examining any documentations, registers or documents related to specimens of the species listed in the Appendices.

2- Inspecting all areas and means of transport, including vehicles, aircraft and ships suspected of containing specimens acquired in violation of the provisions of this Law.

3- Examining any shipment suspected of containing specimens that have been transported or acquired in violation of the provisions of this Law.

4- Taking photographs or videos of the specimens or any part thereof, unless this shall cause them damage.

5- Drafting the seizure reports for violators of the provisions of this Law, its Implementing Regulation and the Decisions implementing it.

In all cases, the employees of the Council referred to in the first paragraph of this Article, do not have the right to enter the places designated for housing without obtaining a Permit from the Public Prosecution or the Investigating Judge, as the case may be.

**Article (22)**

**Disposition of Confiscated Specimens**

The Council, after coordinating with the Secretariat or consulting with the exporting State, shall return the specimen which was ruled upon by a final ruling to be confiscated, to that State at its expense.

In case the exporting State does not wish to receive such specimen, the Council shall deposit it with the Relief Centre or any other appropriate place, in accordance with the provisions of this Law.

**Article (23)**

**Penalties**

Without prejudice to any more severe penalty stipulated in any other law, whoever imports a specimen of the species listed in Appendix No. (1), exports , re-exports , puts it for sale, introduces it from the sea or proceeds to carry out any of these works without obtaining a Permit or a Certificate in accordance with the provisions of this Law, shall be punished by imprisonment for a period of no less than one year, and a fine of no less than three-thousand Dinars and no more than fifty-thousand Dinars, or by one of these two penalties.

The penalty shall be imprisonment for a period of no less than six months and a fine of no less than two-thousand Dinars and no more than fifty-thousand Dinars, or one of these two penalties, if the specimen subject of the crime is of the species listed in one of Appendices No. (2) or (3).

**Article (24)**

Without prejudice to any more severe penalty stipulated in any other law, whoever acquires, contrary to the provisions of this Law, any specimen of the species listed in Appendix No. (1), shall be punished by imprisonment for a period of no less than six months, and a fine of no less than three-thousand Dinars and no more than twenty-thousand Dinars, or by one of these two penalties.

The penalty shall be imprisonment for a period of no less than three months and a fine of no less than one-thousand Dinars and no more than twenty-thousand Dinars, or one of these two penalties, if the specimen subject of the crime is of the species listed in Appendices No. (2) or (3).

**Article (25)**

Without prejudice to any more severe penalty stipulated in any other law, whoever presents to the public one of the species listed in Appendix No. (1) without being registered within the Directorate, shall be punished by imprisonment for a period of no less than six months and a fine of no less than three-thousand Dinars and no more than twenty-thousand Dinars, or by one of these two penalties.

The penalty shall be imprisonment for a period of no less than three months and a fine of no less than one-thousand Dinars and no more than twenty-thousand Dinars, or one of these two penalties, if the specimen subject of the crime is of the species listed in Appendix No. (2).

**Article (26)**

Without prejudice to any more severe penalty stipulated in any other law, whoever – knowingly – provides incorrect data to the Council with the intention of obtaining a Permit or a Certificate of Registration for one of the specimens, shall be punished by imprisonment for a period no less than three months and a fine no less than one-thousand Dinars and no more than twenty-thousand Dinars, or by one of these two penalties.

Whoever changes, removes or erases the marks used by the Competent Directorate to identify the species listed in the Appendices, and whoever carries or transfers the specimens without taking the procedures stipulated in this Law or obtaining the supporting documents, shall be punished by the same penalty.

**Article (27)**

Without prejudice to any more severe penalty stipulated in any other law, whoever prevents the Judicial Investigation Officers referred to in Article (21) of this Law from performing their functions stipulated in this Law, shall be punished by imprisonment and a fine of no more than five-thousand Dinars, or by one of these two penalties.

**Article (28)**

Without prejudice to the bona fide of third-parties, the Court shall order the confiscation of specimens, tools and equipment used in the commission of any of the crimes stipulated in this Law.

The ruling issued for conviction of any of the crimes stipulated in this Law shall obligate the party against whom the ruling is issued to bear the expenses of the reservation, transportation, and the disposition of the controlled specimens.

**Article (29)**

Without prejudice to the liability of the natural person, the Legal Person shall be criminally liable if any of the crimes stipulated in this Law is committed in his name, for his account, or by one of his agencies or representatives, and he shall be sentenced to the fine prescribed for the crime that occurred.

**Article (30)**

All the crimes stipulated in this Law shall be considered identical in cases of recidivism, and the penalty prescribed for the crimes shall be doubled in case of recidivism, and whoever commits a similar crime shall be considered a recidivist within three years from the date of expiry of the penalty, or from the date of its lapse due to statute of limitations.

**Article (31)**

The President of the Council shall issue the Implementing Regulation and the Decisions necessary to implement the provisions of this Law.

**Article (32)**

The Prime Minister and the Ministers – each within his jurisdiction – shall implement the provisions of this Law, and it shall come into force following the lapse of six months from the date of its publication in the Official Gazette.

**King of the Kingdom of Bahrain**

**Hamad bin Isa Al Khalifa**

Issued at Riffa palace:

On: 17 Rajab 1442 A.H.

Corresponding to: 1 March 2021

Annexes

https://www.lloc.gov.bh/Media/LegalPDF/K0521.pdf