

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Thirteenth meeting of the Conference of the Parties
Bangkok (Thailand), 2-14 October 2004

Economic Incentives and Trade Policy Amendment to the draft decision in Annex 3

Control of trade in personal and household effects

DRAFT CONSOLIDATION OF RESOLUTIONS CONF. 10.6 AND CONF. 12.9

Prepared by the Secretariat on the basis of document CoP13 Doc.16 (Rev.1) Annex 4b, approved as amended in Committee II.

RECALLING Resolution Conf. 10.6 on Control of trade in tourist souvenir specimens, adopted at the 10th meeting of the Conference of the Parties (Harare, 1997) and Resolution Conf. 12.9 on Personal and household effects, adopted at the 12th meeting of the Conference of the Parties (Santiago, 2002);

OBSERVING that Article III, paragraph 3 (c), of the Convention requires that specimens of Appendix-I species not be used for primarily commercial purposes in the importing country;

CONSIDERING that Article VII, paragraph 3, of the Convention lays down the conditions under which specimens that are personal or household effects are exempt from the provisions of Articles III, IV and V of the Convention;

FURTHER CONSIDERING that the Convention does not define the term 'personal or household effects';

CONSIDERING that the exemption in Article VII, paragraph 3, of the Convention does not apply to specimens of Appendix-I species that are souvenirs being imported by a person returning to his State of usual residence;

CONSIDERING further that the exemption in Article VII, paragraph 3, of the Convention does not apply to specimens of Appendix-II species that are souvenirs being imported by a person returning to his State of usual residence if the specimens were taken from the wild in a State requiring the granting of export permits before the export of such specimens;

RECOGNIZING however that export permits are frequently not required by exporting countries;

NOTING that for Parties other than the exporting and importing Parties such specimens of Appendix-II species are, under Article VII, exempt from CITES provisions;

RECOGNIZING that Parties currently implement Article VII, paragraph 3, in varying ways and that there should be uniform application of the exemption for personal or household effects;

RECALLING Resolution Conf. 11.11, on Regulation of trade in plants, adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000), which recommends a limit on the number of rainsticks per person to be considered as personal effects;

RECALLING Resolution Conf. 12.7, on Conservation of and trade in sturgeons and paddlefish, adopted by the Conference of the Parties at its 12th meeting (Santiago, 2002), which recommends a limit on the quantity of caviar per person to be considered as personal effects;

RECALLING that the Convention does not make special provision for airport lounges (including duty-free shops), free ports or non-Customs zones, because each Party is deemed to have sovereignty over the whole of its territory, and to apply the Convention accordingly;

RECOGNIZING that parts and derivatives of species listed in Appendices I and II continue to be widely sold as tourist souvenir specimens and that specimens of Appendix-I species continue, in some countries, to be offered for sale at gift shops at international airports and other places (including duty-free areas) catering largely to international travellers;

RECOGNIZING that the sale of specimens of Appendix-I species in places of international departure may encourage, either intentionally or unintentionally, the illegal export of such items, and that such export is an issue of concern with respect to the conservation of such species;

ACKNOWLEDGING that sale of tourist souvenir specimens of Appendix-I species can in some cases form a substantial part of a trade which could threaten the survival of such species;

RECOGNIZING that there is still widespread public ignorance of the purpose and requirements of the Convention and of domestic legislation relating to trade in endangered species;

RECOGNIZING further that international airports, seaports and border crossings provide an excellent opportunity for educational displays informing travellers about the requirements of the Convention, and that sales of tourist souvenir specimens in such places may seriously detract from that educational message;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES that the term 'personal or household effects' contained in Article VII, paragraph 3, means specimens that are:

- a) personally owned or possessed for non-commercial purposes;
- b) legally-acquired; and
- c) at the time of import, export or re-export either:
 - i) worn or carried or included in personal baggage; or
 - ii) part of a household move;

DECIDES also that, for the purposes of this Resolution, the term 'tourist souvenir specimen' shall apply only to personal and household effects acquired outside the owner's State of usual residence and not be applied to live specimens;

RECOMMENDS that Parties:

- a) regulate the cross-border movements of legally acquired, personally owned live animals of species listed in the Appendices of CITES in accordance with Resolution Conf. 10.20;
- b) not require export permits or re-export certificates, for personal or household effects for the following dead specimens, parts and derivatives of Appendix-II species except where the quantity exceeds the specified limits:
 - i) caviar of sturgeon species (*Acipenseriformes* spp.) – up to a maximum of 250 grams per person;
 - ii) rainsticks of *Cactaceae* spp. – up to three specimens per person;
 - iii) specimens of crocodylian species – up to four specimens per person; and
 - iv) queen conch (*Strombus gigas*) shells – up to three specimens per person;

- c) advise their Customs administrations of the treatment of personal or household effects under CITES;
- d) take all necessary steps, including inspection and provision of information to merchants, to prohibit the sale of tourist souvenir specimens of Appendix-I species in places of international departure, such as international airports, seaports and border crossings and particularly in duty-free areas beyond Customs control points;
- e) provide information through displays and by other means, in all relevant languages, in places of international departure and arrival, informing travellers about the purpose and requirements of the Convention, and of their responsibilities with respect to international and domestic laws relating to the export and import of specimens of wild fauna and flora; and
- f) in collaboration with national and international tourist agencies, carriers, hotels and other relevant bodies, take all possible steps to ensure that tourists and persons with diplomatic privileges travelling abroad are made aware of the import and export controls that are or may be in force with respect to items derived from CITES species;

RECOMMENDS also that any person in possession of tourist souvenir specimens of Appendix-II species covered by an export permit be afforded the exemption for personal effects given by Article VII when entering States other than the State of usual residence or when leaving States other than the State of export;

URGES that:

- a) all Parties comply fully with the requirements of Article III of the Convention with respect to tourist souvenir specimens of Appendix-I species;
- b) such steps include inspection and provision of information to merchants; and
- c) importing countries experiencing problems with imports of tourist souvenir specimens notify the relevant exporting countries and the CITES Secretariat accordingly;

DIRECTS the Standing Committee to consider ways of assisting any Party which informs the Committee of difficulties in the application of this Resolution;

ENCOURAGES Parties to harmonize their national legislation with regard to this Resolution; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 10.6 (Harare, 1997) – Control of trade in tourist souvenir specimens; and
- b) Resolution Conf. 12.9 (Santiago, 2002) – Personal and household effects.