

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES\*

Personal or household effects

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;

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 [Resolution Conf. 10.6];**

**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 prior grant of export permits before the export of such specimens [Resolution Conf. 10.6];**

**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 [Resolution Conf. 9.7];**

NOTING that Resolution Conf. 10.6 addresses trade in tourist souvenirs in isolation from personal or household effects despite the clear relationship between the two concepts;

RECOGNIZING that Parties currently implement Article VII, paragraph 3, and Resolution Conf. 10.6 in varying ways and that there should be uniform application of the exemption for personal or household effects;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

DECIDES that the term 'personal or household effects' contained in Article VII, paragraph 3, of the Convention 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 ~~checked~~ **personal** baggage; or
  - ii) part of a household move;

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;

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\* *This document has been prepared by a working group of Committee II on the basis of document CoP12 Doc. 54.1, Annex.*

- ~~b) not apply the personal or household effects exemption to hunting trophies of species listed in the Appendices of CITES which were acquired by the owner outside his State of usual residence, and in a State where removal from the wild occurred, and are being imported into the owner's State of usual residence;~~
- b e) not require export or import permits, or re-export certificates, for personal or household effects ~~that are~~ **for the following** specimens of Appendix-II species: ~~except where the quantity exceeds specific limits agreed by the Conference of the Parties (250 grams of caviar, three rainsticks) or the requirement for permits has been specially agreed by the Conference of the Parties;~~
- i) **dead specimens, parts and derivatives thereof except where the quantity exceeds specific limits agreed by the Conference of the Parties:**
- A) **caviar of sturgeon species (Acipenseriformes spp.) up to a maximum of 250 grams per person;**
- B) **rainsticks of Cactaceae spp. Up to three per person;**
- C) **crocodilian species up to four specimens per person; and**
- D) **Queen conch shells up to three specimens per person; and**
- ii) **live specimens in case of a household move;**
- ~~d) not require export permits, re-export certificates or certificates of origin for personal or household effects that are specimens of Appendix III species;~~
- c e) **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 [Resolution Conf. 10.6];**
- 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 wildlife specimens [Resolution Conf. 10.6]; 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; and**
- ~~g) if necessary, amend their legislation to ensure that it is consistent with this Resolution; and~~

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

**REPEALS the Resolutions listed hereunder:**

- ~~a) Resolution Conf. 2.11 (Rev.) (San José, 1979, as amended at Fort Lauderdale, 1994) – Trade in hunting trophies of species listed in Appendix I; and~~
- ~~b) Resolution Conf. 10.6 (Harare, 1997) – Control of trade in tourist souvenir specimens.~~

