

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

Twelfth meeting of the Conference of the Parties
Santiago (Chile), 3-15 November 2002

Interpretation and implementation of the Convention

Exemptions and special trade provisions

TRAVELLING LIVE-ANIMAL EXHIBITIONS

1. This document has been submitted by the Russian Federation.

Background

2. At the 10th meeting of the Conference of the Parties (Harare, Zimbabwe, 1997) document Doc. 10.74, presented by the Russian Federation, was considered. The Annex to this document contained a draft resolution on Live animals in travelling circuses. Following discussion of Doc. 10.74, the Russian Federation amended the draft and the Conference of the Parties adopted Decision 10.142 Regarding cross-border movements of live animals for exhibition. This Decision was directed to the Secretariat and stated that:

Recommendations shall be prepared on the basis of proposals submitted by interested Parties, for consideration by the Standing Committee in 1998, in order to establish:

- a) *a single simplified procedure for cross-border movements of live animals for exhibition travelling to other States;*
 - b) *an effective and rational system of registration and identification of live animals for exhibition; and*
 - c) *principles and methods for certification of travelling owners supposed to travel to other States under the simplified procedure for cross-border movements of live animals for exhibition.*
3. At the request of the United States of America, the Standing Committee, at its 40th meeting (March 1998) established a working group to develop a draft resolution to deal with this matter. The working group comprised Germany, the Russian Federation, Switzerland, the United States of America (convenor) and the Secretariat. By the 42nd meeting of the Standing Committee (September-October 1999) the working group had been unable to prepare a single draft resolution and to reach an agreement. When preparing document Doc. SC.42.15 the Secretariat was guided by the version, prepared by the United States of America. At the 42nd meeting of the Standing Committee the Russian Federation presented its version of the draft resolution (document Inf. SC.42.7). The Standing Committee agreed that the Working Group did not need to continue its work. The Secretariat was asked to prepare a document for CoP11 that would be available for consideration at the 43rd meeting of the Standing Committee.
 4. In October 1999 the Russian Federation forwarded to the Secretariat a revised version of the draft resolution on Travelling live animal Exhibitions for consideration at CoP11.

5. At the 43rd meeting of the Standing Committee the Secretariat reported that it could find no sufficient justification for a change to the provisions of Resolution Conf. 8.16 (Travelling live-animal exhibitions) and Resolution Conf. 10.20. (Frequent cross-border movements of personally owned live animals).
6. At CoP11 document Doc. 11.46 was considered. It was prepared by the Secretariat and had in annex a certificate continuation sheet of the draft resolution, prepared by the United States of America. However the version of the draft resolution prepared by the Russian Federation was not distributed along with document Doc. 11.46, thus impeding practical discussion on this matter. The Chairman of Committee II had not found any sufficient justification for discussion. The Secretariat was asked to prepare a Notification to the Parties to circulate an example of the format of the continuation sheet, which was sent on 14 December 2000 (No. 2000/069).

Defining the problem

7. The problem of registration of the papers for frequent cross-border movements for specimens of travelling exhibitions lies in the following basic provisions:
 - a) travelling exhibitions frequently (several times during a calendar year) move live animals across borders, in many cases of the same specimens;
 - b) travelling exhibitions move live animals across borders, carry out export, re-export and import of the specimens, belonging to them, which is defined by Convention as 'trade', even though they do not trade the specimens as such;
 - c) Article VII, paragraph 7, of the Convention refers to "...or other travelling exhibition...", but does not contain an exact definition of this term;
 - d) Article VII, paragraph 7, of the Convention provides that "A Management Authority of any State may waive the requirements of Articles III, IV and V...", but in addition the specific technical details of the realizing of the requirements of the Article or specific recommendations on Resolution Conf. 8.16 are not given;
 - e) Article VII, paragraph 7, of the Convention and Resolution Conf. 8.16 do not cover all types of specimens used by travelling exhibitions; and
 - f) the provisions of Resolution Conf. 8.16 do not provide an effective and rational mechanism for registration of all specimens of travelling exhibitions and control of their cross-border movements.

Proposed decision

8. To revise the text of Resolution Conf. 8.16 on Travelling live-animal exhibition with the purpose of succeeding in realizing the tasks, set by Decision 10.142, that concur with the tasks set in the Action Plan of the Strategic Vision through 2005, approved at CoP11 (Nairobi, Kenya, 2000).

COMMENTS FROM THE SECRETARIAT

- A. The proposed revision of Resolution Conf. 8.16 contains relatively few new elements. The most important ones are: a definition of 'travelling exhibition'; the introduction of a new multiple-use certificate for specimens in travelling exhibitions, to replace the use of certificates of captive breeding and pre-Convention certificates; and a limitation on the issuance of the new certificate so that it is granted only to registered exhibitions and only for legally acquired specimens.

- B Regarding the proposed definition of 'travelling exhibition', the Secretariat is not aware of any dispute regarding this term and therefore sees no need for a definition. However, if a definition of the term is required, the one proposed would be inadequate since it applies only to exhibitions of live animals, whereas the use of the term in Article VII, paragraph 7, of the Convention applies to both animals and plants and to all specimens (including dead specimens, parts and derivatives).
- C. The other new elements suggested by the Russian Federation seem appropriate, although the Secretariat believes that:
1. the principles in Resolution Conf. 8.16, together with the new elements, could usefully be applied to all travelling exhibitions (i.e. to all cases where the special provisions of Article VII, paragraph 7, of the Convention are applied) and not only to exhibitions of live animals;
 2. the proposed new exhibition certificate could be improved and could be used also for frequent cross-border movement of personally owned live animals; and
 3. consequently Resolution Conf. 8.16 and Resolution Conf. 10.20 (on Frequent cross-border movement of personally owned live animals) should be consolidated with Resolution Conf. 10.2 (Rev.) (on Permits and certificates) so as to present all texts relating to the use of permits and certificates in a single resolution.
- D. The Secretariat, with this in mind, has drafted a revision to Resolution Conf. 10.2 (Rev.) to accomplish the goals indicated in paragraph C above, and this is presented in document CoP12 Doc. 21.1.2. It therefore suggests that this be adopted rather than the draft resolution presented in the Annex to the present document.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Travelling live-animal exhibitions

Resolution Conf. 8.16 (Rev.)

RECALLING Resolution Conf. 8.16, adopted by the Conference of the Parties at the eighth meeting (Kyoto, 1992);

CONSIDERING that Article VII, paragraph 7, of the Convention provides that a Management Authority of any State may waive the requirements of Articles III, IV and V and allow the movement without permits or certificates for pre-Convention or captive-bred specimens which form part of a travelling zoo, circus, menagerie or other travelling animal exhibition (hereinafter referred to as an exhibition) provided that:

- a) the exporter or importer registers full details of such specimens with that Management Authority;
- b) the specimens are in either of the categories specified in paragraph 2 or 5 of Article VII; and
- c) the Management Authority is satisfied that any living specimen will be so transported and cared for as to minimize the risk of injury, damage to health or cruel treatment;

OBSERVING that, because the text of the Convention does not define the term 'travelling exhibition', this term may be interpreted by the Parties in different ways;

CONCERNED that the effective control mechanism for frequent cross-border movements of specimens belonging to travelling exhibitions does not exist yet;

RECOGNIZING that the lack of a single approach to register of papers for frequent cross-border movements for specimens of species used in travelling exhibitions and included in Appendices I, II and III of the Convention, predetermines issuance of different types of permits and certificates and also multiple issuance of papers for the same specimens during short periods of time, that creates possibilities for fraud and may promote illegal trade;

AWARE of the necessity to simplify of the procedure for registration of frequent cross-border movements for live animals of travelling exhibitions;

CONVINCED that exemptions provided by the Convention should not be used to avoid the necessary measures for the control of international trade in specimens of species listed in the Appendices to the Convention;

NOTING that Article XIV, paragraph 1 (a), of the Convention states that "the provisions of the Convention shall in no way affect the right of Parties to adopt stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof";

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

AGREES to the following definition of 'travelling exhibition': "any person or entity, state, public or private that owns animals legally exhibiting any animals to the public, including carnivals, circuses, fairs, educational, religious, cultural, traditional or other exhibitions, competitions or festivals or travelling zoos and menageries exhibiting such animals (animals covered by Resolution Conf. 10.20 are not included herein) and whose

activities suppose their frequent movements in their States of usual residence or cross-border movement to travel through other States"; and

RECOMMENDS that:

- a) each Party issue to any travelling exhibition based and registered in its territory an exhibition certificate for each live animal of species included in Appendices I, II and III of the Convention, that will be moving to another State for exhibition purposes under the condition that the animal will be returned to its State of usual residence, and not sold or otherwise transferred when travelling outside of the State of its usual residence;
- b) a Management Authority not issue an exhibition certificate unless it is satisfied that the specimen is legally possessed by the travelling exhibition and there are no reasons not to allow the travelling exhibition to move the specimen;
- c) the exhibition certificate include all the information specified in Annex 1 of Resolution Conf. 10.2 on Permits and certificates, be printed in one or more of the working languages of the Convention and in the national language if it is not one of the working languages, and have continuation sheets which are a full part of the exhibition certificate and used for stamping, signing and dating by border control at the moments of cross-border movement;
- d) exporter and importer should indicate the owner of the specimen;
- e) the exhibition certificate contain the purpose code 'Q' and include in block 5, or in another block if the standard permit form is not used, the following language: "The specimen covered by this certificate belongs to a travelling exhibition. If the specimen ceases to be possessed by the travelling exhibition, this certificate must be immediately returned to the issuing Management Authority.";
- f) an exhibition certificate be valid for a maximum period of three years to allow multiple cross-border movement of the animal covered by the certificate on condition that the travelling exhibition should return the specimen to the State of its usual residence before the exhibition certificate validity expires;
- g) in order to avoid any problem concerning the implementation of Resolution Conf. 5.11, adopted at the fifth meeting of the Conference of the Parties (Buenos Aires, 1985) pre-Convention origin of specimens be confirmed only for the specimens that have been acquired before 1 July 1975 or before the date of inclusion of the species concerned in any of the Appendices to the Convention;
- h) Parties consider such exhibition certificates as proof that the specimens concerned have been registered with the issuing Management Authority and allow the movement of such specimens across their borders;
- i) Parties not collect the above-mentioned certificates at their borders but allow the documents to remain with the specimens and be considered valid for export or re-export from each Party. That they stamp, sign and date the original exhibition certificate each time the animal crosses a border, thereby recording the history of movement of the travelling exhibition from State to State;
- j) Parties check travelling exhibitions closely, for export/re-export and for import, and note especially whether live specimens are transported and cared for in a manner that minimizes the risk of injury, damage to health or cruel treatment;
- k) Parties require that specimens be marked or identified in such a way that the authorities of the Party which a travelling exhibition enters can verify that the exhibition certificates correspond to the specimens;

- l) when, during a stay in a State, an animal in the possession of a travelling exhibition gives birth, a Management Authority of that State be notified and issue a Convention certificate as appropriate. In the case of an addition of specimens to a travelling exhibition, the Management Authority of the Party in which the addition takes place should issue the appropriate document for each new specimen to be used in the travelling exhibition. When an animal is no longer in the possession of a travelling exhibition (from death, sale, theft, etc.), the original exhibition certificate should be immediately returned to the issuing Management Authority;
- m) when, during a stay in a State, a exhibition certificate for a specimen is lost, stolen or accidentally destroyed, only the Management Authority which has issued the document may issue a duplicate. This duplicate will bear the same number, if possible, and the same date of validity as the original document, and contain the following statement: "This certificate is a true copy of the original"; and
- n) the Parties include in their annual reports lists of all exhibition certificates issued for specimens in travelling exhibitions.

Annex

CITES CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND FLORA				export		EXHIBITION CERTIFICATE No. _____ Original (not valid without continuation sheets) 1. Security stamp No. _____ 2. Valid until _____					
				re-export							
				import							
				other:							
3. Importer (name and address) _____ _____				4. Exporter (name and address) _____ _____		4a. Country of export or re-export					
5. Special conditions 1. This certificate is only valid if the transport conditions conform to the Guidelines for Transport of Live Animals or, in the case of air transport, to the IATA Live Animals Regulations. 2. The specimen covered by this certificate belongs to a travelling exhibition. If the specimen leaves the possession of the travelling exhibition, this certificate must be immediately returned to the issuing Management Authority.				6. Name, address, national seal/stamp and country of Management Authority _____ _____							
5a. Purpose of the transaction: Q				7./8. Scientific name (genus and species) and common name of animal		9. Description of specimen, including identifying marks, sex and date of birth		10. Appendix		11. Source (see instruction for codes)	
12. Country of origin*		Permit No.	Date	12a. Country of last re-export		Permit No.	Date	12b. No. of the operation** or date of acquisition***			
* Country in which the specimens were taken from the wild or bred in captivity (only in case of re-export), ** only for specimens of Appendix-I species bred in captivity for commercial purposes, *** for pre-Convention specimens.											
13. This permit is issued by: _____ _____ _____											
Place				Date		Security stamp, signature and official seal					
14. Customs endorsement [see continuation sheets (pages 2 and 3)]											

Instructions and explanations

(These correspond to block numbers on the form)

1. Indicate the number (including the country's ISO code) of the security stamp affixed in block 13.
2. The date of expiry of the certificate may not be more than three years after the date of issuance.
- 3-4. Complete name and address of the registered travelling live-animals exhibition to which the specimen belongs.
- 4a. The State of the travelling exhibition's usual residence.
5. Special conditions on the present resolution and conditions of transport of the live animals are to be indicated. This block can also be used to justify the omission of certain information.
- 5a. Only one code should be used: **Q** for circuses and travelling exhibitions.
6. The name, address and country of the issuing Management Authority should already be printed on the form.
- 7-8. Indicate the scientific name (genus and species, where appropriate sub-species) of the animal as it appears in the Convention Appendices or the reference lists approved by the Conference of the Parties, and the common name of the animal as known in the country issuing the certificate.
9. Describe, as precisely as possible, the specimen covered by the certificate. If a specimen is marked (tattoo, identifying marks, rings, etc.), whether or not this is required by a Resolution of the Conference of the Parties, indicate the number and type of mark. The sex and date of birth or age should be recorded, if possible.
10. Enter the number of the Appendix of the Convention (I, II or III) in which the species is listed.
11. Use the following codes to indicate the source:
 - W** Specimen taken from the wild
 - R** Specimen originating from a ranching operation
 - D** Appendix-I animal bred in captivity for commercial purposes and exported under the provision of Article VII, paragraph 4, of the Convention
 - C** Animal bred in captivity in accordance with the provisions of the Convention valid for the moment issuing of the certificate, exported under the provisions of Article VII, paragraph 5, of the Convention
 - F** Animal born in captivity (F1 or subsequent generations) that do not fulfil the definition of 'bred in captivity'
 - U** Source unknown (**must be justified**)
 - I** Confiscated or seized specimen
 - O** Pre-Convention specimen

12. The country of origin is the country in which the specimen was taken from the wild, bred or born in captivity. Enter the number of the export permit of the country and the date of issuance. If all or part of the information is not known, this should be justified in block 5.
- 12a. The country of last re-export is the country from which the specimen was re-exported before entering the country in which the present document is issued. Enter the number of the re-export permit of the country of last re-export and its date of issuance. If all or part of the information is not known, this should be justified in block 5.
13. To be completed by the official who issues the permit. The name of the official (and his title) must be written in full. The security stamp must be affixed in this block and must be cancelled by the signature of the issuing official and a stamp or seal. The seal, signature and security stamp should be clearly legible.
14. To be completed by the official who inspects the travelling exhibition at the time of entry and departure.

Continuation sheet	Page 2.	Exhibition certificate	Original
Signature and official seal		No.	Date of issue
<u>Customs' endorsement</u>		<u>Customs' endorsement</u>	
Entries		Departures	
<hr/> Border point Date		<hr/> Border point Date	
<hr/> Signature Authorized stamp and title		<hr/> Signature Authorized stamp and title	
<hr/> Border point Date		<hr/> Border point Date	
<hr/> Signature Authorized stamp and title		<hr/> Signature Authorized stamp and title	
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Continuation Sheet		Page 3.		Exhibition Certificate	
_____ Signature and official seal		No.		Original	
<u>Customs endorsement</u> Entries		<u>Customs endorsement</u> Departures			
_____ Border point		_____ Date		_____ Border point	
_____ Signature		_____ Authorized stamp and title		_____ Signature	
_____ Border point		_____ Date		_____ Border point	
_____ Signature		_____ Authorized stamp and title		_____ Signature	
_____ Border point		_____ Date		_____ Border point	
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