

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

Interpretation and implementation of the Convention

Exemptions and special trade provisions

Personal and household effects

AMENDMENTS TO RESOLUTION CONF. 12.9

1. This document has been submitted by the People's Republic of China.

Background

2. At its 12th meeting (Santiago, 2002), the Conference of the Parties adopted Resolution Conf. 12.9 which provides a definition for the term 'personal and household effects'.
3. Resolution Conf. 12.9 also recommends that Parties "not require export or import permits, or re-export certificates, for personal or household effects for [specific] dead specimens, parts and derivatives of Appendix-II species except where the quantity exceeds the specified limits". The recommendation facilitates the trade in legal personal and household effects thereby saving significant enforcement resources.
4. Nevertheless, Article VII, paragraph 3 (b) iii), of the Convention states that the exemption for personal and household effects of Appendix-II species shall not apply if "the State where removal from the wild occurred requires the prior grant of export permits before any export of such specimens". The lack of information on which country of origin requires the prior grant of an export permit could create a barrier for some Parties to adopt the exemption recommended under Resolution Conf. 12.9.
5. A previous attempt to make this information easily available was made under Resolution Conf. 4.12 where Parties that regulate the export or import of Appendix-II souvenir specimens were recommended to communicate to the other Parties through the Secretariat which species were so regulated. Unfortunately many Parties did not communicate their regulations and the attempt failed. The opposite was then tried and Resolution Conf. 6.8 urged Parties that did not regulate export or import of Appendix-II souvenir specimens to inform the other Parties so through the Secretariat. This did not work either as very few responses were received by the Secretariat.
6. To help Parties that may have difficulties in adopting the recommendation of exemption under Resolution Conf. 12.9 because of their national legislation, it is proposed to revise that Resolution so that it will be assumed that there is no requirement of the prior grant of an export permit by Parties for the specimens listed in Resolution Conf. 12.9 unless the Secretariat is advised to the contrary by a Party, and in such case an export permit will be required for those specimens from that Party.
7. The draft resolution is in the Annex.

COMMENT FROM THE SECRETARIAT

The Secretariat supports the principle of revising Resolution Conf. 12.9 but suggests that, instead of the change proposed, paragraph b) under RECOMMENDS be amended in the following manner:

- b) *not require export or import permits, or re-export certificates, for personal or household effects for the following dead specimens, parts and derivatives of Appendix-II species except where they have been advised through a Notification from the Secretariat that the other Party involved in the trade requires such documents or where the quantity exceeds the specified limits:*

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Personal and household effects

NB: Proposed new text is underlined and deleted text is in ~~strike through~~.

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, 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, 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;

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;

NOTING that Resolution Conf. 10.6, adopted at the 10th meeting of the Conference of the Parties (Harare, 1997), 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, 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;

~~RECOMMENDS~~ AGREES that Parties shall:

- 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) without prejudice to paragraph c) require export permits for personal or household effects of Appendix-II species except where it has been advised through a Notification from the Secretariat that the Party does not require such export permit;

- c) 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 they have been advised through a Notification from the Secretariat that the other Party involved in the trade requires such documents or 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 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 wildlife specimens; 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;

REQUESTS the Secretariat to develop a process for consideration of specimens of personal and household effects of Appendix-II species which may be exempted from permitting according to Article VII, paragraph 3; and

ENCOURAGES Parties to harmonize their national legislation with regard to this Resolution.