

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



Fourteenth meeting of the Conference of the Parties
The Hague (Netherlands), 3-15 June 2007

Interpretation and implementation of the Convention

Exemptions and special trade provisions

PERSONAL AND HOUSEHOLD EFFECTS

1. This document has been prepared by the Standing Committee's Working Group on Personal and Household Effects.
2. At its 13th meeting (Bangkok, 2004), the Conference of the Parties adopted Resolution Conf. 13.7 on Control of trade in personal and household effects, which resulted from a revision of Resolution Conf. 12.9 on Personal and household effects and its consolidation with Resolution Conf. 10.6 on Control of trade in tourist souvenir specimens.
3. The Conference also adopted Decision 13.71 which states:

The Standing Committee, in consultation with the Secretariat, Parties and relevant organizations, shall develop a process for consideration of specimens of personal and household effects of Appendix-II species which may need to have quantitative limits set to be exempted from permitting requirements according to Article VII, paragraph 3, of the Convention at the 14th meeting of the Conference of the Parties.

4. At its 53rd meeting (SC53, Geneva, June – July 2005), the Standing Committee established a Working Group on Personal and Household Effects to assist it with implementation of Decision 13.71. The Working Group comprised Australia, Chile, China, Italy, Jamaica, Kenya, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Zimbabwe and the Species Survival Network. Following SC53, the Chairman of the Standing Committee designated China to serve as the Group's Chairman. The Crocodile Specialist Group of the IUCN Species Survival Commission and IUCN's Environmental Law Centre later asked and were allowed to join the Working Group.
5. In response to Notification to the Parties No. 2005/016 of 22 March 2005 (Party-specific information) and Notification to the Parties No. 2006/041 of 28 June 2006 (Personal and household effects), Parties provided information which assisted the Working Group. This information is made available on the CITES website under both 'Resources/Reference lists' and 'National contacts & information'.
6. Early in their discussions, the Working Group determined that it was not necessary to amend Article VII, paragraph 3, of the Convention in order to clarify the coverage of personal and household effects of Appendix-II species. It decided instead to focus its efforts on developing additional guidance that might be incorporated into Resolution Conf. 13.7. The Group also determined that it was not appropriate to undertake a major revision of Resolution Conf. 13.7 as Parties were still gaining experience with its implementation. It found that the list of personal and household effects of Appendix-II species with quantitative limits was not too long to be handled efficiently.

7. The Working Group has been supported by the Secretariat and has generally worked intersessionally through electronic means. The Chairman and several Group members also found an opportunity to meet on the margins of the 54th meeting of the Standing Committee (Geneva, October 2006). Their discussions at that time resulted in the identification of key steps in a process for considering revisions to the list of personal and household effects of Appendix-II species with quantitative limits contained in Resolution Conf. 13.7. Such a process might be outlined in an annex to the revised Resolution. They noted as well the need to clarify: the meaning of 'legally-acquired' within the definition of 'personal and household effects'; the meaning of 'four specimens' of crocodilian species; and the handling of tourist souvenirs as well as hunting trophies under that Resolution. They did not have time to address those issues in depth, however, and considered that the operation of the Working Group might therefore be extended until CoP15 through a decision adopted at the present meeting.
8. The Working Group is aware that two working documents prepared for consideration at the present meeting may have implications for the list of personal and household effects of Appendix-II species with quantitative limits. Document CoP14 Doc. 60.2.1 contains a proposal of the Standing Committee Working Group on Sturgeons. This proposal suggests revisions to Resolution Conf. 12.7 (Rev. CoP13), one of which recommends that Parties consider harmonizing their national legislation in relation to the personal effects exemption for caviar and limit the exemption to no more than 125 grams of caviar per person. Document CoP14 Doc. 46 on 'Trade in some crocodilian specimens' contains a draft decision directing the Standing Committee to establish a working group on the issue of trade in small crocodilian-leather goods, which would, *inter alia*, consider possible ways and conditions for exempting such goods from CITES provisions. The Working Group on Personal and Household Effects recommends that the Conference of the Parties take into account the present document and the proposed process to amend the list of species with quantitative limits when addressing the recommendations contained in the working documents described above.

Recommendations

9. The Standing Committee's Personal and Household Effects Working Group recommends that the Conference of the Parties adopt the proposed amendments to Resolution Conf. 13.7 presented in Annex 1 and the draft decision contained in Annex 2 of this document.

COMMENTS FROM THE SECRETARIAT

- A. The Secretariat believes that the Conference of the Parties adopted Decision 13.71 (and similar language previously contained in Resolution Conf. 12.9 on Personal and household effects) because it was concerned about its ability to properly consider and compare what seemed to be a growing number of proposals for amending the list of personal and household effects of Appendix-II species with quantitative limits. As requested, the Working Group has developed a process which responds to this concern.
- B. Should Parties decide to establish the amendment process proposed in Annex 1, the Secretariat would suggest the following revisions.

NB: Text to be deleted is ~~crossed out~~. Proposed new text is underlined.

1. Any proposal ~~to~~ for adding to, deleting from or otherwise amending the list of personal and household effects of Appendix-II species with quantitative limits, including the quantitative limits ~~set, should~~ must be submitted ~~initiated~~ by a Party.
2. The proposal should contain supporting information ~~and a justification~~, including an indication of whether the proposal is being made primarily for enforcement or conservation purposes.
3. ~~Range States, Producer countries~~ and consumer countries for the specimens and species included in the proposal should be consulted, to the extent practicable, before a proposal is submitted. Parties ~~which~~ that are consulted should provide a response within 60 days of receiving the proposal.

4. Proposals should be submitted to the Standing Committee's ~~Clearing House~~, through the Secretariat. The Standing Committee ~~Clearing House will~~ may seek assistance from the Animals or Plants Committee in reviewing the stated ~~enforcement or scientific~~ purpose behind a particular proposal ~~deal directly with any proposal made for primarily enforcement purposes and will direct any proposal made for primarily conservation purposes to the appropriate technical committee.~~
 5. If no consultations have been undertaken by the proponent, the proposal will be returned to the proponent by the Secretariat so that such consultations can be undertaken. However, a proposal submitted without consultations, or with limited consultations, should be accepted by the Secretariat if there are justifications in the proposal for such ~~an omission which has the consent of the Clearing House.~~
 6. Upon the recommendation of ~~either the Standing Committee Clearing House or the technical committee~~, the proposal may be submitted by the initiating Party to the Conference of the Parties for discussion and decision.
 7. In considering the submission of amendment proposals, Parties should make every effort not to lengthen unnecessarily the list of personal and household effects with quantitative limits.
- C. It may be worth considering whether there is a simpler option to the amendment process proposed in Annex 1. Perhaps the components of that process could be used to develop a standard format for submitting to the Conference of the Parties any proposed amendments to the list of personal and household effects of Appendix-II species with quantitative limits. It is the Conference of the Parties which must ultimately decide whether to accept a particular proposal to amend Resolution Conf. 13.7 and involving the permanent committees in 'screening' such proposals may not be a good use of limited time and resources. If Parties agree that this option has some merit, they would need to consider its implications for the revised resolution and draft decision contained in Annexes 1 and 2.
- D. Costs associated with related Secretariat support to the Standing Committee and the CoP have been incorporated into the costed programme of work.

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

Proposed amendments to Resolution Conf. 13.7 on Control of trade in personal and household effects

NB: Text to be deleted is ~~crossed out~~. Proposed new text is underlined.

(...)

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

(...)

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) not require export permits or re-export certificates, for personal or household effects which are dead specimens, parts or derivatives of Appendix-II species except:
 - i) where they have been advised through a Notification from the Secretariat and on the CITES website that the other Party involved in the trade requires such documents; or
 - ii) for the following, where the quantity exceeds the specified limits:
 - caviar of sturgeon species (*Acipenseriformes* spp.) – up to a maximum of 250 grams per person;
 - rainsticks of *Cactaceae* spp. – up to three specimens per person;
 - specimens of crocodilian species – up to four specimens per person;
 - queen conch (*Strombus gigas*) shells – up to three specimens per person;
 - seahorses (*Hippocampus* spp.) – up to four specimens per person; and
 - giant clam (*Tridacnidae* spp.) shells – up to three specimens, each of which may be one intact shell or two matching halves, not exceeding 3 kg per person;
- c) follow the process contained in the Annex to this Resolution, if they wish to amend the list contained in paragraph b) ii) above;
- ~~e~~d) advise their Customs administrations of the treatment of personal or household effects under CITES;
- ~~e~~e) 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~~f) 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
- ~~e~~g) 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;

(...)

Annex

Process for amending the list of personal and household effects of Appendix-II species with quantitative limits

1. Any proposal for adding to, deleting from or otherwise amending the list of personal and household effects of Appendix-II species with quantitative limits, including the quantitative limit set, should be initiated by a Party.
2. The proposal should contain supporting information and a justification, including an indication of whether the proposal is being made primarily for enforcement or conservation purposes.
3. Range States, producer countries and consumer countries for the specimens and species included in the proposal should be consulted, to the extent practicable, before a proposal is submitted. Parties which are consulted should provide a response within 60 days of receiving the proposal.
4. Proposals should be submitted to the Standing Committee's Clearing House, through the Secretariat. The Clearing House will deal directly with any proposal made for primarily enforcement purposes and will direct any proposal made for primarily conservation purposes to the appropriate technical committee.
5. If no consultations have been undertaken by the proponent, the proposal will be returned to the proponent so that such consultations can be undertaken. However, a proposal without consultations, or with limited consultations, should be accepted if there are justifications in the proposal for such an omission which has the consent of the Clearing House.
6. Upon the recommendation of either the Clearing House or the technical committee, the proposal will be submitted by the initiating Party to the Conference of the Parties for discussion and decision.
7. Parties should make every effort not to lengthen unnecessarily the list of personal and household effects with quantitative limits.

DRAFT DECISION OF THE CONFERENCE OF THE PARTIES
[TO REPLACE DECISION 13.71]

Directed to the Standing Committee

- 14.xx The Standing Committee shall extend the operation of its Working Group on Personal and Household Effects until the 15th meeting of the Conference of the Parties (CoP15) and oversee the Group's work in fulfilling the following terms of reference:
- a) monitor implementation of the process for amending the list of personal and household effects of Appendix-II species with quantitative limits and determine whether any adjustments are needed (e.g. whether criteria for proposed amendments should be added to the process or whether the entire process should be replaced by another process which is not based on quantitative limits);
 - b) prepare guidance for:
 - i) determining whether a personal and household effect is 'legally-acquired';
 - ii) clarifying the relationship between 'tourist souvenirs' and 'personal and household effects'; and
 - iii) the treatment of hunting trophies; and
 - c) report at each regular meeting of the Standing Committee until CoP15 and at CoP15.