

Interpretation and Implementation of the Convention

Personal and household effects

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

Background

2. The Conference of the Parties at its twelfth meeting adopted Resolution Conf. 12.9 which provides a definition for the term "Personal and household effects".
3. Resolution Conf. 12.9 further recommends that Parties not to 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 and save a significant allocation of enforcement resources.
4. Nevertheless, Article VII, paragraph 3 (b) (iii) stated that the exemption for personal and household effects of Appendix-II species shall not apply if the country of origin requires the prior grant of an export permit. The lack of information on which country of origin would require the prior grant of an export permit could create barrier for some Parties to adopt the exemption as recommended under Resolution Conf. 12.9.
5. Previous attempt has been 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 Parties through the Secretariat which species were so regulated. The attempt was found to be failed. Many parties did not communicate their regulations. 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 Parties through the Secretariat. This did not work either as very few reactions were received by the Secretariat.
8. To facilitate Parties that may have difficulty in adopting the recommendation of exemption under Resolution Conf. 12.9 because of their local legal system, it is proposed to revise Resolution Conf. 12.9 such that it will be so assumed that there is no requirement of the prior grant of an export permit by Parties for the specific specimens as listed in Resolution Conf. 12.9 unless the Secretariat is advised by a

Party the otherwise and in such case, an export permit is required for the specific specimens from that Party.

9. The draft resolution is in the Annex.

Note: Proposed amendment in *italic and underlined*

Personal and 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 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 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 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 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;

DIRECTS the Secretariat to receive and publish notifications from Parties that export or import permits, or re-export certificates, for personal or household effects mentioned in

paragraph (b) of the Recommendations above, are required by the Party issuing the notification;

AGREES that in the absence of such notification from a Party and until such notification has been received by the Secretariat, it shall be deemed that the said export or import permits, or re-export certificates, are not required by that Party;

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.