

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



Sixteenth meeting of the Conference of the Parties
Bangkok (Thailand), 3-14 March 2013

Committee II

Cross-border movement of musical instruments

DRAFT RESOLUTION OF THE CONFERENCE OF THE PARTIES

AND

DRAFT AMENDMENT TO RESOLUTION CONF. 12.3 (REV. COP15)

This document has been prepared by a working group, on the basis of document CoP16 Doc. 40 (Rev. 1), after discussion in the seventh session of Committee II.

DRAFT RESOLUTION

Frequent cross-border non-commercial movements of ~~personally-owned~~ musical instruments

RECALLING that Article VII, paragraph 2, of the Convention provides that the provisions of Articles III, IV and V shall not apply to specimens that were acquired before the provisions of the Convention applied to those specimens, where the Management Authority issues a certificate to that effect;

RECALLING that Article VII, paragraph 3, of the Convention provides that, other than in certain circumstances, the provisions of Articles III, IV and V shall not apply to specimens that are personal or household effects;

RECOGNIZING that, because the Convention does not define the term 'personal or household effects' in Article VII, paragraph 3, the Parties adopted Resolution Conf. 13.7(Rev. CoP14) on *Control of trade in personal and household effects* to define the term;

NOTING that, under Resolution Conf. 13.7 (Rev. CoP14), Parties agreed to not require export permits or re-export certificates for personal or household effects that are dead specimens, parts or derivatives of Appendix-II species except under certain circumstances;

RECOGNIZING, however, that many Parties do not fully implement the personal and household effects exemptions in Article VII, paragraph 3, and Resolution Conf. 13.7 (Rev. CoP14), due to stricter domestic measures or other provisions, resulting in administrative burdens for individuals who frequently move musical instruments manufactured from species listed in the Appendices to the Convention across international borders when they might otherwise be exempt from documentation requirements under the Convention;

RECOGNIZING that, under section VI of Resolution Conf. 12.3 (Rev. CoP15) on *Permits and certificates*, the Parties agreed that frequent cross-border movement of specimens used for exhibition purposes could be issued a travelling-exhibition certificate;

AWARE that ~~personally-owned~~ musical instruments manufactured from species listed in the Appendices to the Convention may be frequently moved across international borders for a variety of legitimate non-commercial purposes, including but not limited to personal use, performance, display or competition;

NOTING that ~~musicals, orchestras or other such exhibitions moving musical instruments~~ musical instruments owned by a museum, orchestra or similar institution being moved across international borders could be issued a travelling-exhibition certificate under Resolution Conf. 12.3 (Rev. CoP15) to facilitate such movement;

NOTING that the repeated granting of permits and certificates under Articles IV, V or VII of the Convention for ~~personally owned~~ musical instruments that are frequently moved across international borders for non-commercial purposes poses problems of a technical and administrative nature, but that such movement needs to be monitored closely to prevent illegal activities;

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

RECOGNIZING 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 of trade, taking, possession or transport of specimens of species included in Appendices I, II or III, or the complete prohibition thereof;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that for non-commercial cross-border movement of musical instruments derived from CITES species, other than Appendix-I specimens acquired after the species was included in the Appendices in cases where it is determined that a document is required, that:

- a) Parties issue a musical instrument certificate of ownership for a pre-Convention Appendix-I, -II or -III personally owned musical instrument or for a personally owned musical instrument containing specimens of Appendix-II or -III species acquired after the effective listing date ("personal effects"), to facilitate the frequent non-commercial cross-border movement of musical instruments for purposes including, but not limited to personal use, performance, display or competition;
- ~~b) although any Party may issue a certificate of ownership to the owner of a pre-Convention Appendix I, II or -III musical instrument or an Appendix II or -III musical instrument who wishes to travel to other States with their musical instrument as a personal effect, it should do so only after agreement between the Parties concerned, and if the usual residence of the owner is within the territory of the issuing Party and the musical instrument is registered with the Management Authority of that Party;~~
- ~~b~~e) a Management Authority only issue a musical instrument certificate when it is satisfied that the CITES specimens used in the manufacture of the musical instrument have not been acquired in contravention of the provisions of the Convention ~~not issue a certificate of ownership for a musical instrument that is being hand-carried or is part of personally accompanying baggage unless it is satisfied that the musical instrument is legally possessed by the applicant and that the musical instrument has not been acquired in contravention of the provisions of any domestic legislation or the Convention;~~
- ~~c~~e) the Management Authority require the applicant for a musical instrument certificate of ownership to provide their name and address and pertinent data regarding the musical instrument, including the species used to manufacture the instrument, and a means of identification, such as the manufacturer's name and or serial number or other means of identification;
- ~~d~~e) the certificate issued in accordance with paragraph a) above include in box 5, or in another box if the standard form referred to in Resolution Conf. 12.3 (Rev. CoP15) is not used, the following language: "The specimen covered by this certificate, which permits multiple cross-border movements, is for non-commercial use and may not be sold, traded or otherwise disposed of outside the certificate holder's State of usual residence";
- ~~e~~f) when a musical instrument that is the subject of a musical instrument certificate issued pursuant to this Resolution is no longer in the possession of the individual to whom the certificate was issued (e.g., due to sale, theft or destruction), the original certificate of ownership must be immediately returned to the issuing Management Authority;
- ~~f~~g) a musical instrument certificate issued for a musical instrument be valid for a maximum period of three years to allow multiple imports, exports and re-exports of the instrument;

- g) the Parties concerned treat each musical instrument certificate as a type of passport that allows the non-commercial movement of the identified musical instrument across their borders upon presentation of the original certificate to the appropriate border control officer who:
 - i) inspects the original and validates it with an ink stamp, signature and date to show the history of movement from State to State; and
 - ii) does not collect the original at the border, but allows it to remain with the specimen;
- h) the Parties concerned require that the musical instrument be appropriately identified and that the identification mark or a detailed description of the instrument be included on the musical instrument certificate so that the authorities of the State into which the musical instrument enters can verify that the certificate corresponds to the musical instrument in question;
- i) when, during a stay in another State, a musical instrument certificate for a musical instrument is lost, stolen or accidentally destroyed, only the Management Authority that 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, but will bear a new date of issuance and include the following statement: "This certificate is a true copy of the original";
- j) in accordance with paragraphs a) and f) above, the musical instrument may not be sold or otherwise transferred while outside of the State where the instrument is normally held;
- k) musical instruments for which musical instrument certificates have been issued must be returned to the State where the instrument is normally held before the expiration of the certificate and that Parties not replace or re-issue musical instrument certificates that expire while the musical instrument is outside the State where the instrument is normally held; and
- l) Parties maintain records of the number of musical instrument certificates issued under this Resolution and, if possible, include the certificate numbers and the scientific names of the species concerned in their annual reports.

DRAFT AMENDMENT TO RESOLUTION CONF. 12.3 (REV. COP15)

Permits and certificates

VI. Regarding travelling-exhibition certificates

The following text is to be inserted as a new paragraph a) under 'RECOMMENDS that' and the following paragraphs are to be re-lettered

RECOMMENDS that:

- a) for the purpose of this Resolution, the term "travelling exhibition" includes, but is not limited to travelling zoos, circuses, menageries, museum exhibitions, orchestras, plant exhibitions, and other such exhibitions;