

## Conf. 13.7 (Rev. CoP16)\*

## Control of trade in personal and household effects

RECALLING Resolution Conf. 10.6 on *Control of trade in tourist souvenir specimens*, adopted by the Conference of the Parties at its 10th meeting (Harare, 1997) and Resolution Conf. 12.9 on *Personal and household effects*, adopted at its 12th meeting (Santiago, 2002);

OBSERVING that Article III, paragraph 3 (c), of the Convention requires that specimens of Appendix-I species not be used for primarily commercial purposes in the importing country;

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;

CONSIDERING further that the Convention does not define the term 'personal or household effects';

CONSIDERING that the exemption in Article VII, paragraph 3, of the Convention 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, of the Convention 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;

RECOGNIZING however that export permits are frequently not required by exporting countries;

NOTING that for Parties other than the exporting and importing Parties such specimens of Appendix-II species are, under Article VII, exempt from CITES provisions;

RECOGNIZING that Parties currently implement Article VII, paragraph 3, in varying ways and that there should be uniform application of the exemption for personal or household effects;

RECALLING Resolution Conf. 11.11 (Rev. CoP15), on *Regulation of trade in plants*, adopted by the Conference of the Parties at its 11th meeting (Gigiri, 2000) and revised at its 13th, 14th and 15th meetings (Bangkok, 2004; The Hague, 2007; Doha, 2010), which recommends a limit on the number of rainsticks per person to be considered as personal effects;

RECALLING Resolution Conf. 12.7 (Rev. CoP16), on *Conservation of and trade in sturgeons and paddlefish*, adopted by the Conference of the Parties at its 12th meeting and revised at its 13th, 14th and 16th meetings, which recommends a limit on the quantity of caviar per person to be considered as personal effects;

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;

RECOGNIZING that parts and derivatives of species listed in Appendices I and II continue to be widely sold as tourist souvenir specimens and that specimens of Appendix-I species continue, in some countries, to be offered for sale at gift shops at international airports and other places (including duty-free areas) catering largely to international travellers;

RECOGNIZING that the sale of specimens of Appendix-I species in places of international departure may encourage, either intentionally or unintentionally, the illegal export of such items, and that such export is an issue of concern with respect to the conservation of such species;

ACKNOWLEDGING that sale of tourist souvenir specimens of Appendix-I species can in some cases form a substantial part of a trade which could threaten the survival of such species;

RECOGNIZING that there is still widespread public ignorance of the purpose and requirements of the Convention and of domestic legislation relating to trade in endangered species;

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\* Amended at the 14th meeting of the Conference of the Parties, corrected by the Secretariat following the 15th meeting, and further amended at the 16th meeting of the Conference of the Parties

RECOGNIZING further that international airports, seaports and border crossings provide an excellent opportunity for educational displays informing travellers about the requirements of the Convention, and that sales of tourist souvenir specimens in such places may seriously detract from that educational message;

ACKNOWLEDGING that Article XIV, paragraph 1, of the Convention allows both importing and exporting Parties to take stricter domestic measures;

CONSIDERING that effective implementation of these provisions will be strengthened by a clarification of the measures taken by Parties in accordance with Article XIV, paragraph 1;

#### 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, carried or included in personal baggage; or
  - ii) part of a household move;

DECIDES also that, for the purposes of this Resolution, the term 'tourist souvenir specimen' shall apply only to personal and household effects acquired outside the owner's State of usual residence and not be applied to live specimens;

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 or on the CITES website that the other Party involved in the trade requires such documents; or
  - ii) for the export and re-export of rhino horn or elephant ivory contained in hunting trophies; or
  - iii) for the following, where the quantity exceeds the specified limits:
    - caviar of sturgeon species (*Acipenseriformes* spp.) – up to a maximum of 125 grams per person whereby the container has to be labelled in accordance with Resolution Conf. 12.7 (Rev. CoP16);
    - rainsticks of *Cactaceae* spp. – up to three specimens per person;
    - specimens of crocodylian 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;
    - 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; and
    - specimens of agarwood – up to 1 kg of woodchips, 24 ml of oil and two sets of beads or prayer beads (or two necklaces or bracelets) 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 specimens of wild fauna and flora; 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;

RECOMMENDS that the Parties use the Guidelines contained in Annex 1 to this Resolution when interpreting and implementing the personal or household effects exemption;

FURTHER RECOMMENDS that the Parties follow the Guidelines contained in Annex 2 to this Resolution, if they wish to amend the list contained in paragraph b) iii) above;

URGES that:

- a) all Parties comply fully with the requirements of Article III of the Convention with respect to tourist souvenir specimens of Appendix-I species; and
- b) importing countries experiencing problems with imports of tourist souvenir specimens notify the relevant exporting countries and the CITES Secretariat accordingly;

DIRECTS the Standing Committee to consider ways of assisting any Party which informs the Committee of difficulties in the application of this Resolution;

ENCOURAGES Parties to harmonize their national legislation with regard to this Resolution; and

REPEALS the Resolutions listed hereunder:

- a) Resolution Conf. 10.6 (Harare, 1997) – *Control of trade in tourist souvenir specimens*; and
- b) Resolution Conf. 12.9 (Santiago, 2002) – *Personal and household effects*.

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## **Annex 1** **Guidelines for interpretation of personal and household effects**

### ***Interpretation of Article VII, paragraph 3, of the Convention***

1. Article VII, paragraph 3, excludes specimens that are personal or household effects from the provisions of Article III, IV or V of the Convention.
2. Article VII, paragraph 3 (a), excludes Appendix-I specimens from this exemption when they have been acquired outside the person's country of usual residence. Appendix-I specimens may be acquired from other countries, but they must be imported home under the conditions of Article III or other paragraphs in Article VII.
3. Article VII, paragraph 3 (b), excludes Appendix-II specimens from this exemption when the specimen has been acquired outside the person's country of usual residence, in a country where removal from the wild occurred AND where that country requires an export permit.
4. Parties can choose to apply stricter domestic measures such that any country of import or export can exclude specimens from the personal and household effects exemption, establish quantitative restrictions or choose not to implement the exemption at all.
5. It is recommended in Resolution Conf. 13.7 (Rev. CoP16) that Parties report whether or not they implement Article VII, paragraph 3, in domestic legislation.
6. Parties should consult the Secretariat's website for Parties that implement the exemption.
7. Parties may establish quantitative limits for Appendix-II species by following the guidelines in Annex 2 to Resolution Conf. 13.7 (Rev. CoP16).

***Definition of 'personal and household effects'***

8. Specimens must be personally owned or possessed for non-commercial purposes. This excludes use for commercial gain, sale, and display for commercial purposes, keeping for sale, offering for sale or transport for sale.
9. Specimens must be legally acquired.
10. There are two types of personally owned or possessed specimens that could be considered personal and household effects. These are: (1) Personal effects – specimens that, at the time of import, export or re-export, were worn, carried or included in personal baggage; or (2) Household effects – specimens that, at the time of import, export or re-export, were part of a household move.

***Types of specimens that may be considered as 'personal and household effects'***

11. There are several categories of specimens which under certain conditions, can be exempted as personal and household effects (such as personally owned items, tourist souvenirs or hunting trophies).
12. Personally owned or possessed specimens are Appendix-I, -II or -III specimens that have been acquired while a person resides in his country of usual residence. There are many different ways in which a specimen may be acquired as long as the acquisition was in accordance with domestic law. Examples include, but are not limited to:
  - Direct removal from the wild in the person's country of usual residence;
  - As a gift acquired within the country of usual residence or imported under CITES provisions from another country;
  - As an inheritance acquired either within the country of usual residence or imported under CITES provisions from another country;
  - Purchase from a vendor who has either obtained the specimen legally from within the country of usual residence or who has imported the specimens under CITES provisions from another country;
  - A souvenir acquired while travelling abroad and imported either under the personal and household effects exemption or with the appropriate CITES documents; and
  - A hunting trophy that has been legally hunted abroad and imported either under the personal and household effects exemption or with the appropriate CITES documents.
13. Personally owned or possessed specimens will be exempted as personal effects if both the countries of import and export implement the personal and household effects exemption for the species and the specimen at the time of import, export or re-export was worn, carried or included in personal baggage.
14. Personally owned or possessed specimens will be exempted as household effects if both the countries of import and export implement the personal and household effects exemption for the species and the specimen at the time of import, export or re-export was part of a household move.
15. Tourist souvenirs are Appendix-II or -III specimens acquired while travelling abroad. They will be exempted as personal effects if both the countries of import and export implement the personal and household effects exemption for the species and the specimens at the time of import, export or re-export were worn, carried or included in personal baggage.
16. Hunting trophies are Appendix II or III specimens that meet the definition of 'hunting trophy' in Resolution Conf. 12.3 (Rev. CoP16). They will be exempted as personal effects if both the countries of import and export implement the personal and household effects exemption for the species and the specimen at the time of import, export or re-export was worn, carried or included in personal baggage. Note that the export or re-export of rhino horn and elephant ivory contained in hunting trophies does not qualify for the personal and household effects exemption.

17. Where a commodity (typically consisting of multiple pieces, such as a pair of shoes or a pair of earrings), such as jewellery or leather goods, is composed of multiple pieces of protected specimens and other items, it should be treated as one specimen.
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## **Annex 2**

### **Guidelines 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. Parties should make every effort not to lengthen unnecessarily the list of personal and household effects with quantitative limits.
4. In support of such proposals submitted to the Parties to the Conference of the Parties for discussion and decision, it is recommended that the following information be contained in any such proposal:
  - a) an assessment of the impact of the proposal, drawn from consultations with range States, producer countries and consumer countries; and
  - b) an assessment of the enforceability of the proposal.