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

Twenty-sixth meeting of the Plants Committee
Geneva (Switzerland), 5 – 9 June 2023

Regulation of trade

SUSTAINABILITY CRITERIA FOR TIMBER NON-DETRIMENT FINDINGS

1. This document has been prepared by the European Union (EU) [*].

Background

2. Non-detriment findings - or the well informed, science-based decisions about whether international trade in CITES species is sustainable and non-detrimental to the survival of the species concerned, are key to the effectiveness of the Convention. Non-detriment findings will vary dependent on the specific taxonomic group in trade, but paragraph 1 a) of Resolution Conf. 16.7 (Rev. CoP17) on *Non-detriment findings* (NDFs) recommends that Scientific Authorities take into account several non-binding guiding principles in considering whether trade would be detrimental, including *inter alia*, whether a species can be maintained throughout its range at a level consistent with its role in the ecosystem in which it occurs. This element of an NDF is particularly pertinent to the trade in timber tree species given the ecosystem role that forests play at local, national, and global scales. This document concerns two important considerations that the European Union (EU) has deliberated concerning NDFs for CITES-listed timber species.

3. The EU is an important consumer of timber species harvested and traded internationally and is strongly committed to the sustainable management and conservation of all CITES-listed timber species. To date, the EU has contributed EUR 7 million to the CITES Tree Species Programme to strengthen support to Parties in implementing the Convention for listed tree species[1]. CITES is implemented in the EU through the EU Wildlife Trade Regulations[2], which require that an NDF for import of Appendix II taxa is also undertaken by the Scientific Authority of the EU Member State of import. For timber species, this assessment largely corresponds to the scrutiny of information on individual forest management units (FMUs) within the country of export to ensure that such measures are sustainable in the long term, alongside an assessment by the Management Authority to ensure that exports are of legal origin and in compliance with any national laws[3]. This approach also aligns with other EU commitments, such as the EU proposal for a new Regulation aimed at tackling EU-driven deforestation and forest degradation. Through this Regulation, the EU will ensure that products including all timbers and derived products placed on or exported from the EU market are both legal (according to the laws of the country of production) and have not caused deforestation i.e. are deforestation-free (they were produced on land that has not been subject to deforestation or forest degradation after December 31, 2020).

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[*] *The geographical designations employed in this document do not imply the expression of any opinion whatsoever on the part of the CITES Secretariat (or the United Nations Environment Programme) concerning the legal status of any country, territory, or area, or concerning the delimitation of its frontiers or boundaries. The responsibility for the contents of the document rests exclusively with its author.*

[1] *Notification 2017/059 on CITES Tree Species Programme*

[2] *Council Reg. No 338/97, Commission Reg. No 865/2006, Commission Implementing Reg. No 792/2012.*

[3] *See EU guidance document on the verification of legality in timber trade (2018).*

4. Through the processing of CITES import requests, the EU Scientific Review Group, comprising all EU Scientific Authorities, has identified common issues relating to the sustainability of trade in CITES-listed timber species that may not currently be consistently or sufficiently addressed during the process of conducting NDFs for export. These relate to harvest and international trade from non-permanent forest domains and the regeneration capacity of harvested populations of CITES-listed timber species in trade. Recalling that Resolution Conf. 16.7 (Rev.CoP17) encourages Parties to share guiding principles and experiences while making NDFs, these aspects are more fully outlined below in paragraphs 6-10, alongside the EU's position on timber from non-permanent forest domains and current deliberations on thresholds for timber recovery rates and other important parameters in forestry inventory and management.

5. Relatedly, a suite of Decisions 19.132-19.134 on *Non-detriment findings* (NDF) were adopted at the 19th meeting of the Conference of the Parties directing the Secretariat and the Technical Advisory Group (TAG) of the CITES NDF project to address priorities in capacity building for NDFs and develop guidance through a series of dedicated workstreams, including a specific workstream on high-value timbers[4]. Noting that it is anticipated this workstream will focus efforts on sustainability criteria for timber, including inventory protocols, harvest techniques, sustainable quotas as well as harvest impact on the role of the species in the ecosystem, the considerations outlined below by the EU are likely to have wider relevance and could be further considered in the context of the CITES NDF project through Decision 19.132.

Harvest of timber from areas not under permanent forest management

6. The '*non-permanent forest domain*' refers to forested areas that are not under permanent forest management, meaning that there is no long-term or legal aim to maintain the land as forest. In these areas land use change is not ruled out, and they can be prone to land conversion including clear felling. Such forest types encompass any possible land where trees are harvested without any reliable commitment to preserve the forest itself and without forest management plans in place. Due to a lack of long-term forestry management, there are long-term sustainability issues, and EU has concerns relating to the harvest for international trade of any timber species that originate from these *non-permanent forest domains*, particularly given the irreversibility of damage that is caused through land use-change from forest to other types of land cover.

7. The EU has received import requests for CITES-listed timber species that have originated from *non-permanent forest domains* from a number of exporting range States. These import applications have been rejected on the basis that the EU considers that a non-detriment finding for timber that does not originate from areas under permanent forest management is not possible, irrespective of the species or country of origin. When full recovery of the forest and the harvested species is not foreseen for the area where the harvest takes place, the EU does not consider it possible to state that any harvest of timber is non-detrimental to the survival of the species concerned, and its role in the ecosystem where it occurs. The EU Scientific Review Group agreed in January 2023 not to accept any imports of CITES-listed tree species that do not originate from areas that are under permanent forest management[5].

Regeneration capacity

8. Central to the practise of sustainable forestry management is the principle that only as much wood/timber should be felled as can grow back through natural regeneration and recruitment from unlogged tree individuals or through planned reforestation within the same time period (e.g., a cutting cycle). The UN General Assembly (2008)[6] defined sustainable forestry management as a dynamic and evolving concept, which "*aims to maintain and enhance the economic, social and environmental values of all types of forests, for the benefit of present and future generations*". These benefits can only be fulfilled if forests and the species that form the forests sufficiently recover following any period of harvesting. With regard to harvested tree species, this principle requires several population biological preconditions, including sufficient population densities and healthy age structures that, in combination with other parameters such as biological reproduction, dispersal and annual increments, enable local tree populations to regenerate after harvest.

9. The regeneration (or recovery) capacity of a harvested population is the ability of the remaining trees to rebuild the population or to re-populate areas where individuals or sub-populations have been removed (Wolf

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4 *As outlined in Annex 4 of CoP19 Doc. 43.1.*

5 *See section 9 of Summary of conclusions for SRG 96 (January 2023).*

6 *https://www.fao.org/forestry/14717-03d86aa8c1a7426cf69bf9e2f5023bb12.pdf*

et al, 2018)[7]. The EU Scientific Review Group has been using measures of regeneration capacity for NDFs of CITES tree species imports for several years and will do this in a more structured and standardised procedure in the future. The ability of a forest to regenerate and recover can be calculated using various Recovery Index formula (e.g., Durrieu de Madron 1997[8]) and can be calculated within FMUs by reference to various parameters such as population demography, natural mortality, proximity to mature forest stands, distance to seed sources, climate, growth rates, duration of logging cycle and logging damages. Further important parameters for assessing the recovery capacity of harvested tree populations include the diameters of seed producing trees and planned harvest rate. The EU consider that measures such as a Recovery Index calculation must be taken into account when undertaking CITES NDFs as the regeneration capacity of a species within the forest is a key indicator for sustainability, including ensuring that timber species are maintained throughout their range at a level consistent with their role in the ecosystem.

10. The EU considers that ultimately, only forests demonstrating full regeneration and recovery capacity, e.g., a Recovery Index of 100% are the only option for a CITES-listed species in forestry management to be considered entirely sustainable. The EU is considering various approaches for the acceptance of timber onto EU markets by reference to a standardised sustainability indicator related to a Recovery Index threshold. Further discussions are ongoing at EU level and further deliberations in this regard may be available by PC26.

Recommendations

11. The Plants Committee is invited to:

    a) note the approach of the European Union relating to international trade in timber from "*non-permanent forest domain*" as outlined in paragraph 7, and EU considerations of a Recovery Index threshold or related measures of regrowth and regeneration capacity as summarised in paragraph 9, with respect to sustainability criteria for timber NDFs; and

    b) encourage Parties and in particular, range States that export CITES-listed timber species to provide feedback on these consideration for timber NDFs to the Secretariat, in order that a range of views can be compiled and considered by the NDF Working Group on high-value timber under their discussions for updated guidance under Decision 19.132.

[7] https://cites.org/sites/default/files/ndf_material/9-Steps-NDF-Guidance-for-Timber.pdf

[8] *Durrieu de Madron, L., & Forni, E. (1997)*. Aménagement forestier dans l´est du Cameroun: Structure du peuplement et périodicité d´exploitation. Bois Et Forêts Des Tropiques, *254(4), 39–50*.