

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



Twenty-second meeting of the Plants Committee  
Tbilisi (Georgia), 19-23 October 2015

Interpretation and implementation of the Convention

Species trade and conservation

EXPORTS AND IMPORTS OF CITES TIMBER SUBJECT TO NATIONAL DECISIONS

1. This document has been prepared and submitted by the Chair of the Plants Committee.\*
2. The Chair of the Plants Committee is receiving information from various sources on the issue of export permits issued under court orders for specimens of tree species included in Appendix II.
3. The CITES Secretariat, in its Notification to the Parties No. 2013/002, highlighted this problem and communicated it to the Parties (see Annex 1).
4. As noted by the Secretariat, Decision 14.145 has been deleted from the list of valid Decisions, but the guidelines contained in this Decision continue to be appropriate and currently relevant and it might be advisable for them to be expressed by the Parties in an applicable resolution.
5. The Chair of the Plants Committee considers that although paragraphs b) and c) of Resolution Conf. 9.10 (Rev. CoP15) on the disposal of confiscated and accumulated specimens take into account some cases, they could appear not to consider the specific problem that arises when the specimen does not originate from illegal import or export or was not sold by the Management Authority and it is not possible to analyse whether the extraction has been detrimental to the survival of the species.

Recommendation

6. The Plants Committee is invited to:
  - a) Consider the possible amendment to Resolution Conf. 10.13 (Rev. CoP15) on the "*Implementation of the Convention for timber species*" and request the Depositary Government to present this amendment to the seventeenth meeting of the Conference of the Parties to the Convention in the name of the Plants Committee (see Annex 2).
  - b) In the interim, request the CITES Secretariat to issue an updated Notification to the Parties highlighting the persistence of the problem.

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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.*

### **Notification to the Parties No. 2013/002**

At its 14th meeting (CoP14, The Hague, 2007), the Conference of the Parties adopted Decision 14.145, on *Bigleaf mahogany*, and a related Annex containing the *Action plan for the control of international trade in the bigleaf mahogany* (*Swietenia macrophylla*), which stated that:

*Parties and international organizations should stress the importance of not authorizing any export without proof of legal origin of the timber. Importing countries should refuse mahogany shipments accompanied by CITES export permits issued under a court order, unless the importing country can confirm that a non-detriment finding has been made by the Scientific Authority of the country of origin.*

This Decision was deleted from the list of valid Decisions at the 15th meeting of the Conference of the Parties (CoP15, Doha, 2010) because it was considered to have been implemented.

The situation addressed by Decision 14.145 seems to have arisen again. The Secretariat has been advised by the CITES Management Authority of a potential country of destination that it was recently presented with two export permits issued by the Management Authority of a potential country of export for sawn wood of bigleaf mahogany under court order without confirmation that the required non-detriment finding had been made. The Secretariat understands that such court orders were requested by private exporters and that additional court orders are likely to be requested by the same or other private exporters in relation to a large quantity of stockpiled CITES specimens with high commercial value. The Secretariat further understands that the court orders were issued without a prior finding of legal acquisition by a CITES Management Authority of the exporting country.

The Secretariat reminds Parties that the Convention requires the making of a non-detriment finding by a Scientific Authority and a legal-acquisition finding by a Management Authority before an export permit may be issued. The above-mentioned potential country of destination has reiterated these requirements in its communication with the issuing country.

Although Decision 14.145 has been deleted from the list of valid Decisions, the Secretariat considers that the guidance provided in that Decision remains relevant. It therefore encourages potential importing countries of bigleaf mahogany to determine whether any export permits for proposed shipments of specimens of this species were issued under court order and, if so, to follow the advice of the Conference of the Parties provided in Decision 14.145.

The Secretariat believes that the continuing relevance and longstanding character of Decision 14.145 indicate that there may be scope for Parties to consider its incorporation into a Resolution in effect.

**Amendment proposal of Resolution Conf. 10.13 (Rev. CoP15)  
on the “Implementation of the Convention for timber species”  
for the seventeenth meeting of the Conference of the Parties**

**Add paragraph I)**

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***Regarding timber species of concern***

- j) the range States pay particular attention to internationally traded timber species within their territories for which the knowledge of the biological status and silvicultural requirements gives cause for concern; and

***Regarding the establishment of export quotas for timber species***

- k) whilst fully respecting the requirements of paragraphs 2 (a) and 3 of Article IV of the Convention, Parties exporting timber specimens from species listed in Appendix II consider establishing voluntary annual national export quotas for such exports.

***With regard to exports and imports of wood and parts and derivatives of timber species accompanied by CITES export permits issued under a court order***

- l) The exporting Parties should highlight the importance of not proceeding with any export without evidence of legal origin of the wood or a non-detriment finding. Importing countries should reject shipments of wood and parts and derivatives of timber species accompanied by export permits issued under court order unless the importing country can confirm that the Scientific Authority of the country of origin has made a non-detriment finding.