

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



Twenty-third meeting of the Plants Committee
Geneva (Switzerland), 22 and 24-27 July 2017

Species specific matters

ROSEWOOD TIMBER SPECIES –
IMPLEMENTATION ISSUES (ANNOTATION)
(agenda item 22)

Membership (as decided by the Committee)

Chair: the PC Chair (Ms. Sinclair);

Members: the representatives of Africa (Ms. Koumba Pambo and Mr. Mahamane), Central and South America and the Caribbean (Mr. Beltetón Chacón) and Europe (Mr. Carmo); and the acting representatives of Asia (Ms. Setijo Rahajoe) and North America (Ms. Camarena Osorno);

Parties: Argentina, Australia, Austria, Canada, China, Czech Republic, Estonia, European Union, France, Germany, Indonesia, Italy, Japan, Kenya, Madagascar, Malaysia, Malta, Mexico, Netherlands, Norway, Republic of Korea, South Africa, Spain, Switzerland, Thailand, United Kingdom of Great Britain and Northern Ireland, United States of America, and Zimbabwe; and

IGOs and NGOs: UNEP-WCMC, American Herbal Products Association, Center for International Environmental Law, Chambre Syndicale de la Façture Instrumentale (CSFI), Confederation of European Music Industries, Environmental Investigation Agency, Forest Based Solutions, LLC, Global Eye, International Society of Violins and Bow Makers, International Wood Products Association, IWMC World Conservation Trust, League of American Orchestras, Martin Guitar, Overseas Traders, SWAN International, Species Survival Network, Taylor Guitars, TRAFFIC, and World Resources Institute.

Mandate

Concerning agenda item 22.1 (Recommendation 10 a):

Identify the key issues of concern with regard to CITES implementation for rosewood species.

Concerning agenda item 22.2:

1. Provide views and guidance on the interpretation of annotation #15 as suggested under paragraph 5 of document PC23 Doc. 22.2; and
2. Provide views and guidance on the suggestions for amending annotation #15, as provided in paragraph 7 of document PC23 Doc. 22.2.

Recommendations

Regarding suggestions for the interpretation of annotation #15, as provided in paragraph 5 of document PC23 Doc. 22.2

1. These recommendations regarding the interpretation of the term “non-commercial purposes” are provided with consideration of the conservation value of the annotation, as non-commercial transactions should not represent a pressure on wild populations in terms of the quantity of *Dalbergia/Guibourtia* wood in trade.
2. The recommendations represent the majority view of the working group members.

Regarding Interpretation of the term “non-commercial”

3. It is recommended that the following transactions be considered “non-commercial”:
 - i) the cross-border movement of musical instruments for purposes including, but not limited to, personal use, paid or unpaid performance, display, or competition (e.g. on a temporary exhibition), and when the instrument is returned to the country where the instrument is normally held.

Regarding i) it is recommended to explore further options with respect to display when the instrument returns to the country of export (e.g., for tradeshow)

- ii) the cross-border movement of an item (such as a musical instrument), for the purpose of being repaired is considered as a non-commercial transaction, in view of the fact that the item will remain under the ownership of the same person and that such transport will not lead to the sale of the item. The return to the seller or manufacturer of a product under warranty after sale service should also be considered as a non-commercial transaction.
- iii) the cross-border movement of a shipment containing multiple items sent for one of the above purposes (e.g. a shipment of musical instruments being jointly sent for the purpose of being repaired), provided that the individual portion of *Dalbergia/Guibourtia* species present in each item weighs less than 10 kg and would therefore, if traveling separately, qualify for the exemption;
- iv) the loan of specimens for exhibition in museums, competition or performance purposes.

Regarding interpretation of the term "10 kg per shipment"

4. For shipments for non-commercial purposes, it is suggested that this 10 kg weight limit be interpreted as referring to the weight of the portions of the items in the shipment made of wood of the species concerned. In other words, the 10 kg limit is to be assessed against the weight of *Dalbergia/Guibourtia* portions contained in the items of the shipment, rather than against the total weight of the shipment.

Regarding interpretation of paragraph b of annotation #15 in the case of orchestras, music ensembles and similar groups which travel with all instruments in the form of a "consolidated shipment"

5. The cross-border movement of musical instruments in a container, together with or prior to the travelling of the orchestra, is considered as a "consolidated shipment". In such cases, the total weight of wood of *Dalbergia/Guibourtia* species in the instruments constituting the "consolidated shipment" is likely to exceed 10 kg. Such "consolidated shipment" should nonetheless not require a CITES document, considering that the individual portion of wood of *Dalbergia/Guibourtia* species present in each instrument weighs less than 10 kg and that the related instrument would therefore, if travelling separately, qualify for the exemption. However, if the weight of wood of *Dalbergia/Guibourtia* species subject to annotation #15 present in any individual instrument exceeds 10 kg, this specific instrument would require a CITES document.

Regarding identification of specimens at species or genus level on CITES permits and certificates

6. Specimens should, as far as possible, be identified at species level (e.g. *Dalbergia melanoxylon*) on CITES permits and certificates. However, in the absence of such information and in exceptional cases, it was suggested that specimens may be identified on CITES permits and certificates at genus level (*Dalbergia* spp.), in particular in the case of worked items such as musical instruments or in the case of pre-Convention specimens. It was nonetheless advised that, when the specimen is identified at the genus level,

it should be indicated on such documents that the specimens concerned do not contain wood of the species *Dalbergia nigra* when this is actually the case.

7. It is recommended that the Standing Committee discuss further the need to indicate on CITES documents when the specimens do not contain wood of the species *Dalbergia nigra* when this is actually the case.

Regarding marking requirements:

8. Any existing number, or other marks of identification, should be indicated on the corresponding CITES permit or certificate with a view to facilitating identification of the instrument linked to the permit or certificate.

Regarding suggestions for amending annotation #15, as provided in paragraph 7 of document PC23 Doc.22.2

9. The working group recommended that further research and studies may be warranted to get a better understanding of species, products and volumes in trade, as well as regarding the impact of international trade on the conservation status of these species. It was further recommended that any future studies should ensure no duplication of study as directed by other relevant Decisions of the Conference of the Parties, and carefully consider the timeline for the study.
10. Working group members provided their initial ideas regarding #15 and potential amendments. The ideas below do not represent consensus ideas but rather the ideas expressed by individual working group members.
 - i) A study as proposed above is needed before changes are proposed to the annotation
 - ii) A harmonized interpretation of the current annotation needs to be adopted
 - iii) Delete the term non-commercial to simplify implementation
 - iv) Exempt finished products such as musical instruments
 - v) Exempt finished products with a small volume of the species contained within
 - vi) Formally specify that the annotation also applies to re-export and that the 10 kg applies to the quantity of *Dalbergia/Guibourtia* species in each item shipped
 - vii) Be cautious when considering removal of 'non-commercial' until the implications with respect to conservation impact are better understood
 - viii) Possible amendments to the annotation should take into consideration guidance on the use of annotations in Resolution Conf. 11.21 (Rev. CoP17)
 - ix) Learn from the experience of Thailand with respect to #6
 - x) Consider having a new separate annotation for *Dalbergia* spp.