

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



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MUSICAL INSTRUMENTS AND APPENDIX II ANNOTATION #15

1. This document has been submitted by the United States of America Fish and Wildlife Service in relation to agenda item 35 on *Annotations* and item 36 on *Annotation #15*.*

* *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.*

Musical Instruments and Appendix II Annotation #15

At the 18th Conference of the Parties, music industry stakeholders supported revisions to Annotation #15, which were adopted by the Parties and have entered into effect. Annotation #15 applies to *Dalbergia spp.* (except *Dalbergia nigra*), and *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii*, as follows:

All parts and derivatives, except:

- a) Leaves, flowers, pollen, fruits, and seeds;
- b) Finished products to a maximum weight of wood of the listed species of up to 10 kg per shipment;
- c) Finished musical instruments, finished musical instrument parts, and finished musical instrument accessories;
- d) Parts and derivatives of *Dalbergia cochinchinensis*, which are covered by Annotation #4;
- e) Parts and derivatives of *Dalbergia spp.* originating and exported from Mexico, which are covered by Annotation # 6.

CITES [interpretive guidance](#) establishes the following definitions of terms:

Finished musical instruments

A musical instrument (as referenced by the Harmonized System of the World Customs Organization, Chapter 92; musical instruments, parts and accessories of such articles) that is ready to play or needs only the installation of parts to make it playable. This term includes antique instruments (as defined by the Harmonized System codes 97.05 and 97.06; Works of art, collectors' pieces and antiques).

Finished musical instrument accessories

A musical instrument accessory (as referenced by the Harmonized System of the World Customs Organization, Chapter 92; musical instruments, parts and accessories of such articles) that is separate from the musical instrument, and is specifically designed or shaped to be used explicitly in association with an instrument, and that requires no further modification to be used.

Finished musical instrument parts

A part (as referenced by the Harmonized System of the World Customs Organization, Chapter 92; musical instruments, parts and accessories of such articles) of a musical instrument that is ready to install and is specifically designed and shaped to be used explicitly in association with the instrument to make it playable.

On behalf of the musical instruments stakeholders participating in the ongoing deliberations of the Annotations Working Group, we observe that the revisions to Annotation #15 adopted at COP18 have substantially supported noncommercial and commercial cross-border movement of musical instruments, while relieving CITES management authorities of unnecessary permit burdens.

Likewise, the interpretive guidance has supported implementation. Exemptions related to musical instruments and their parts can be enforceable as customs officials are well acquainted with and readily identify musical instruments through the use of the [Harmonized System of the World Customs Organization \(HS\) codes](#) (see, e.g., Chapter 92 on Musical Instruments; parts and accessories of such articles and Chapter 97.05 and 97.06 on collectors' pieces and antiques), and the use of HS codes is encouraged in [Resolution Conf 10.13](#) paragraph c) and d).

The original Annotation #15 adopted at the 17th Conference of the Parties (CoP17) required substantial clarification of terms of reference related to non-commercial activity, consolidated shipments, weight limits, and identification and marking requirements, as agreed in [CITES Notification 2017/078](#). It hindered trade, travel, and artistic activity, and imposed an extreme permit burden on CITES management authorities. The permit requirements originally imposed by Annotation #15 included multiple permits for the same piece of

wood as it moved from blanks to finished product. In aggregate, these instruments represent an extremely small proportion of the worldwide trade in rosewoods and bubinga in term of volume, while representing a significant proportion of the permits issued following CoP17. Given the long lifespan of musical instruments in use - decades, if not centuries - instruments are typically re-sold by their musician owners and are frequently used in performances. Imposing permitting and documentation requirements on musicians for the transboundary resale and use of their instruments had hindered trade and cultural activity and presented the risk of undermining the substantial investments (sometimes life savings) of musicians with no apparent accompanying conservation value.

With the implementation of the revised Annotation #15 as agreed at CoP18, confidence in musical instrument trade and in the effectiveness of CITES has been significantly restored across the music sector.

We acknowledge that further consideration of a more streamlined approach to annotations will continue to be a focal point for CITES. As these deliberations move forward, we emphasize that focus is best placed on trade from range states and not finished products. [Resolution Conf. 11.21 \(Rev. CoP17\)](#), provides guidance and principles for annotations, and states that: **1) controls should concentrate on those commodities that first appear in international trade as exports from range States; and 2) controls should include only those commodities that dominate the trade and the demand for the wild resource. These principles and facts should continue to guide the development and adoption of future annotations.** CITES Parties implicitly recognized the conservation value of regulating trade from range states when they agreed on Annotation #10, for *Caesalpinia echinata* (also known as *Paubrasilia echinata* or Pernambuco), which covers "Logs, sawn wood, veneer sheets, including unfinished wood articles used for the fabrication of bows for stringed instruments."

As the Secretariat and the Parties implement the decisions on [Annotations](#) and [Annotation #15](#), we stand ready to partner with all CITES stakeholders on outcomes that support both essential action to conserve species, and ongoing trade and cultural activity with musical instruments.

American Federation of Musicians of the United States and Canada
American Federation of Violin and Bow Makers
Association of British Orchestras
The Australian Music Association (AMA)
Bundesverband der deutschen Musikinstrumentenhersteller e.V.
C.F. Martin & Co.
COMUSICA
Confederation of European Music Industries (CAFIM)
Fender Musical Instruments Corporation
ForestBased Solutions
French Musical Instrument Organisation (CSFI)
International Association of Violin and Bow Makers (EILA)
International Federation of Musicians (FIM)
International Wood Products Association
Japan Musical Instruments Association (JMIA)
John Cruz Custom Guitars
League of American Orchestras
Madinter
National Association of Music Merchants
Orchestras Canada
Paul Reed Smith
Pearle Live Performance Europe
The SOMM - Society of Music Merchants e. V.
Taylor Guitars