

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



Sixty-ninth meeting of the Standing Committee
Geneva (Switzerland), 27 November - 1 December 2017

INTERPRETATION OF ANNOTATION #15

This document has been prepared by the in-session working group on Annotation #15, on the basis of document SC69 Doc. 69.3.

Recommendations

It is recommended that the Standing Committee:

1. Agree on the following interim definitions used in paragraph b) of annotation #15 for the intersessional period between CoP17 and CoP18 (additions made by the working group are underlined and deletions struck out):

Regarding interpretation of the term “non-commercial”

The following transactions should be considered “non-commercial”:

The cross-border movement of items (such as 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 such cross-border movement will not lead to the sale of the item and the item is returned to the country where the item is normally held.

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.

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;

The loan of an item (such as a musical instrument) ~~specimens~~ for exhibition in museums, competition or performance purposes.

Cross-border movement for the purpose of trade shows and trade fairs should be considered as a commercial transaction.

Regarding interpretation of the term “10 kg per shipment”

~~For non-commercial transactions as outlined above, shipments for non-commercial purposes, it is suggested that the this 10 kg weight limit should be interpreted as referring to the weight of the individual portions of the each 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 the individual portions of wood of *Dalbergia/Guibourtia* species portions contained in ~~the~~ each items of the shipment, rather than against the total weight of the shipment.

Regarding interpretation of the terms in 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"

The cross-border movement of musical instruments in a container, together with or prior to the travelling of the group 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. For clarification, musical instruments being shipped as a "consolidated shipment" and qualifying for this exemption should have a single importer or exporter and a single consignee or consignor.

2. Request the Secretariat to issue a Notification to the Parties, communicating the interim definitions, in 1 above, to the Parties and encouraging all Parties to use them during the intersessional period between CoP17 and CoP18; and
3. Resolve that these interim definitions are agreed for the exclusive purpose of interpreting certain terms in paragraph b) of Annotation #15, and do not constitute a precedent for the interpretation of these terms in any other annotation, Decision or Resolution applying to any other specimen of a CITES-listed species; and specify this in the Notification to the Parties.
4. Include in the Notification the additional following information:

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

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 manufactured products containing worked items such as musical instruments or in the case of pre-Convention specimens as per section XIV of Resolution Conf. 12.3 (Rev. CoP17). ~~It was nonetheless advised that w~~When the specimen is recorded identified at the genus level, it should be indicated on the ~~such~~ documents that the specimens concerned do not contain wood of the species *Dalbergia nigra* when this is actually the case.