



NOTIFICATION TO THE PARTIES

No. 2021/004

Geneva, 12 January 2021

CONCERNING:

Intersessional decision-making of the Standing Committee

1. On 8 January 2021, the Chair of the Standing Committee approved the submission under Rule 20 of the Committee's Rules of Procedure, of a recommendation by the Secretariat in relation to trade with the Republic of Guinea. The background and text of the recommendation are shown in Annex 1 to the present Notification.
2. In accordance with Rule 20.1 of the Committee's Rules of Procedure, the Secretariat invites Parties to provide comments on the recommendations in Annex 1 to the present Notification to the Standing Committee Member(s) of their Region for submission to the Secretariat by **17 February 2021**. Contact details for the Members of the Standing Committee can be found on the [CITES website](#).
3. Before this date, Parties have the opportunity to consult with relevant authorities, agencies and stakeholders with an interest in the matters covered by the recommendation.
4. After 17 February 2021, the Standing Committee Chair, with the assistance of the Secretariat, will submit the recommendation (revised, if appropriate, in the light of the comments received) to the Committee for final decision.
5. Members may object to the recommendation (or revised recommendation should that be the case) within 25 days of it being submitted to them. If there are no objections received by the Secretariat within the deadline, then the recommendation will be considered as adopted.
6. If any Member objects to the recommendation (or revised recommendation should that be the case) within the 25 day period, then the matter will be put to a vote by the Members in accordance with Rule 20.4 of the Rules of Procedure.

Proposal for an intersessional decision of the Standing Committee under Rule 20

The Chair of the Standing Committee has approved the submission of this recommendation. The Secretariat is hereby submitting an urgent matter and a recommendation for intersessional decision-making under Rule 20 of the Rules of Procedure of the Standing Committee. The recommendation is made in the context of the application of Article XIII in Guinea to enable a decision to be made prior to the 73rd Session of the Standing Committee, regarding the wish of Guinea to export a stock of pre-Convention specimens of *Pterocarpus erinaceus*.

Guinea has been subject to a recommendation to suspend all commercial trade since 2013; this recommendation was made following the fraudulent issuance of CITES documents leading to the illegal export of a number of great apes from Guinea to China and other issues related to the implementation of the Convention in Guinea. The scam itself has been dealt with several years ago (see [SC69 Inf. 27](#)) and recognizable efforts are underway to strengthen compliance and enforcement in Guinea.

At its 71st meeting, the Standing Committee reviewed the implementation of the recommendations made in 2013 based on the report by the Secretariat contained in document [SC71 Doc. 10.2](#). As described in the report, the Secretariat undertook a mission to Guinea (Conakry) in early January 2019 and witnessed a strong commitment from the actors that are directly responsible for the implementation of CITES in Guinea. During the mission, the attention of the Secretariat was drawn to a pre-Convention stockpile of *Pterocarpus erinaceus* that had been illegally harvested and confiscated prior to the inclusion of the species in the Appendices.

At SC71, Committee Members and Parties commended Guinea on its progress. Many Members and Parties supported the recommendations proposed by the Secretariat and requested more detailed information regarding the safeguards to be put in place for the export of the stockpile of pre-Convention Pterocarpus erinaceus to ensure that the export would not be a driver of illegal logging. Some Parties spoke in favour of lifting the trade suspension and allowing the export of the stockpile.

The Committee agreed on a new set of recommendations to bring Guinea into full compliance. With regard to the export of a pre-Convention stock of *Pterocarpus erinaceus*, the Committee recommended in particular, that Guinea : *adopt adequate safeguards to mitigate any potential risks associated with the export of a stockpile of pre-Convention Pterocarpus erinaceus, including a system to identify the logs to be exported and a possible establishment of a voluntary 'zero quota' for export of Pterocarpus erinaceus harvested after the inclusion of the species in Appendix II (i.e. after 2 January 2017) (See [SC71 SR](#)).*

Since SC71, Guinea has continued to make significant efforts to address the concerns and the recommendations of the Standing Committee, including regarding the pre-Convention stockpile of *Pterocarpus erinaceus*, as summarized in information document [SC2020 Inf. 4](#). Due to the continuous deterioration of the stockpile, the costs related to its maintenance and security, as well as the uncertainty as to the date of the 73rd Session of the Standing Committee, Guinea has requested a procedure under Rule 20 of the Rules of Procedure of the Standing Committee. Guinea has put in place the requested safeguard measures to ensure that the transparency and regularity of the export procedure of the stockpile will be guaranteed (Annex 2). The safeguard measures are summarized in information document [SC2020 Inf. 4](#). The Secretariat recommends that the Standing Committee allow Guinea to authorize on an exceptional basis the issuance of pre-convention certificates for the export of the 14,000 m³ of pre-Convention specimens of *Pterocarpus erinaceus*, while maintaining the suspension of commercial trade currently in force in the with regard to Guinea, until the Standing Committee can meet and review the implementation of the recommendations of the Standing Committee relating to the application of Article XIII.

In this context, the Secretariat would like to submit to the Standing Committee the following recommendation for a decision to be taken between the sessions of the Standing Committee with respect to Guinea:

The Standing Committee agrees:

- a) To exceptionally allow the export and import of the stock of pre-Convention specimens of Pterocarpus erinaceus from Guinea with a maximum volume of 14,000 m³;*
- b) To maintain all other recommendations related to the application of Article XIII in Guinea, including the suspension of all commercial transactions for specimens of CITES-listed species, currently in force with regard to Guinea until the recommendations of the Standing Committee relating to the application of Article XIII are implemented;*
- c) To request the Secretariat to issue a Notification to the Parties replacing Notification No. 2019/075 in order to take into account these decisions of the Standing Committee;*

The Standing Committee further invites Guinea to submit a report to the Secretariat on the implementation of its recommendations before the 73rd meeting of the Standing Committee.



**[SERVICE NOTE No...../2020/MEEF/CAB
ON THE SAFEGUARD MEASURES FOR THE EXPORT OF THE STOCKPILE
OF PRE-CONVENTION *PTEROCARPUS ERINACEUS*]**

THE MINISTER OF STATE

In view of the Constitution;

In view of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES), ratified by the Republic of Guinea on 21 September 1981;

In view of Ordinary Law L/2017/060/AN of 12 December 2017, adopting and enacting the Act establishing the Forestry Code, specifically in its articles 117, 118, 119 and 120;

In view of Decree D/2018/067/PRG/SGG of 21 May 2018 on the appointment of the Prime Minister, Head of Government;

In view of Decree D/2018/072/PRG/SGG of 25 May 2018 on the structure of the Government as amended to date;

In view of Decree D/2020/122/PRG/SGG of 19 June 2020 on the restructuring of the Government;

In view of Decree D/2019/087/PRG/SGG of 15 March 2019, laying down the powers and organization of the Ministry of the Environment, Water and Forests;

In view of Joint Order A/2018/7819/MEEF/MEF of 12 November 2018, setting the stumpage fees and the selling price of timber from the forest plantations of the State;

In view of the service requirements,

HEREBY INFORMS OF THE FOLLOWING

CHAPTER I: GENERAL PROVISIONS

Article 1: Pursuant to the recommendations made in document SC71DOC.10.2 of the bilateral meeting regarding its item 1, on the arrangements for the export of the stockpile of pre-Convention timber, the Republic of Guinea adopts the present Service Note through the Ministry of the Environment, Water and Forests.

Article 2: In response to the recommendations of the CITES Standing Committee at its 71st meeting on the export of the stockpile of pre-Convention timber, measures have been taken to ensure compliance with rules on transparency and legality in the operations for the export of the stockpile of timber of *Pterocarpus erinaceus*, whose total volume is estimated at 14,250 m³. The volume of the damaged part of the stockpile is currently estimated to be 250 m³.

Thus, the volume of timber of *Pterocarpus erinaceus* to be exported is 14,000 m³.

Article 3: The stockpile of pre-Convention *Pterocarpus erinaceus* is currently located in the sites of Kountiya and Sanoyah-Fasiya, both in the vicinity of Conakry in Coyah Prefecture.

The stockpile inventory in these sites will be made with the involvement of all stakeholders and the preparation of official documents (i.e., mission order and terms of reference) issued by the Minister in charge of forests on a proposal from the technical departments concerned. The stockpile inventory will be made by the National Directorate for Water and Forests (*Direction Nationale des Eaux et Forêts*) and the Guinean Timber Office (*Office Guinéen du Bois*) and shared with the CITES Secretariat for information. Marking will be done by attaching a number to the logs with a seal (a hammer) that identifies the place where the stockpile is located or by using colours (red and green) according to the location of the stockpile.

Article 4: The timber that is the subject of the present safeguard measures was logged in 2010, which predates the inclusion of *Pterocarpus erinaceus* in CITES Appendix II and allows its export through the issuance of a pre-Convention certificate.

Guinea reiterates its commitment to respect a 'zero export quota' in accordance with Ordinary Law L/2017/060/AN/ of 12 December 2017 establishing the Forestry Code in its Chapter IV, Article 93 and with Decree 7220/PM/SGG of 30 December 2010 prohibiting all exports of logs or rough cut wood and the logging and export of raw timber throughout the country, respectively.

CHAPTER II: ROLES AND RESPONSIBILITIES OF THE COMMISSION FOR THE EXPORT OF THE STOCKPILE OF PRE-CONVENTION *PTEROCARPUS ERINACEUS*

Article 5: A national Commission will be established to monitor the export of the stockpile of pre-Convention *Pterocarpus erinaceus* from the preparation of the process to the final destination of the stockpile. The Commission will be appointed by the Minister in charge of forests and will be composed of representatives of the following bodies:

- **The National Directorate for Water and Forests (*Direction Nationale des Eaux et Forêts*)** includes the CITES Management Authority and its Forestry Economics and Legislation Department (*Division Economie Forestière et Législation*) will designate four representatives. This is the coordinating structure that will be in charge of issuing the CITES export permits once this has been agreed to by the CITES Secretariat. It will also ensure compliance with the clauses of the contract and all the administrative procedures. Its representatives at the Commission will be involved in the entire process, from the inventory of the timber stockpile to the loading of containers on ships for export. The containers will be sealed at the sites of Kountiya and Sanoyah and subsequently the client ETS. JINSHENG will organize their transport to the port of Conakry by truck under the control and monitoring of all the members of the Commission.

- **The Guinean Timber Office (*Office Guinéen du Bois*)** will prepare the certificates of origin (CO) of the timber stockpile. This body will be represented in the Commission by two members, who will participate in the packing of the stockpile in containers and the sealing of the containers until they are loaded on ships at the port of Conakry.

- **The Customs Authority** will designate two representatives whose task will be to monitor the packing of the stockpile in containers and the transport of the containers from the packing site at the port of Conakry until they are loaded on ships.

- **The Gendarmerie** - The main mission of the two officers of the Gendarmerie who will take part in this exercise will be to ensure the security of the timber containers and monitor the entire process from the making of the inventory to the loading of the containers on ships and any other activities with the greatest possible transparency. They must work in synergy with all the members of the other law enforcement bodies to facilitate the regularity of operations.

- **The Interpol** will also take part in the entire process through the representation of two officers with the required skills in the Commission.

- **The European Union** will participate as an independent observer; it will take part in all the operations for the export of the timber stockpile and will even be able to provide its expertise if needed.

Article 6: As regards implementation, logistical aspects concerning transport, maintenance of containers and shipping companies (DELMAS, MAERSK, MSC) will be well established.

Information on the schedules of container ships will be obtained from the shipping companies.

CHAPTER III: SAFEGUARD MEASURES FOR THE EXPORT OF THE STOCKPILE OF PRE-CONVENTION *PTEROCARPUS ERINACEUS*

Article 7: After all payments have been made (i.e., price of the wood, CITES permit, certificate of origin), customs officials will be present at the site of loading and sealing of the containers to verify that the documents covering the cargo are signed at the same time as the required CITES permits.

Article 8: On the sequence of operations

Guinea is committed to taking all the necessary and appropriate safeguard measures to attenuate any potential risk associated with the export of the stockpile of pre-Convention *Pterocarpus erinaceus*.

The sequence of operations will be as follows:

- Inventory of the stockpile of pre-Convention *Pterocarpus erinaceus* (removal of the damaged wood);
- Marking of the logs (2 different colours, 1 for each site);
- Packing of the timber in containers at the sites of Koutiya and Sanoyah;
- Sealing of the containers at the sites of Koutiya and Sanoyah;
- Issuance of a CITES pre-Convention certificate by the *Direction Nationale des Eaux et Forêts*;
- Issuance of a certificate of origin by the Guinean Timber Office (*Direction Générale de l'Office Guinéen du Bois*) after having determined the exact amount to be exported;
- Transport of the containers from the sites of Koutiya and Sanoyah to the port of Conakry;
- Loading of the containers on ships (the shipping companies identified are DELMAS, MAERSK and MSC);
- Unloading of the containers in China.

Article 9: The enforcement and inspection authorities will make sure that the documents are in order and confirm the reference numbers of the closed and sealed containers. They will verify that the timber packed in the containers is secure and correctly sealed. They will also check that each bill of lading (i.e., a document proving the contract of maritime transport between the loader and the maritime carrier) is accompanied by the above-mentioned documents.

To ensure the reliability of the operational plan, rigor and vigilance will be required to avoid any possible introduction of freshly logged timber or any confusion with the pre-Convention stockpile that is the subject of this document.

The containers of raw wood will be escorted by a mixed team composed of military and paramilitary personnel (i.e., environmental officials, customs officials and officers of the Gendarmerie). The representatives of Interpol and the European Union as independent observers will supervise the progress of the operations.

Article 10: On the implementation plan

Apart from the safeguard measures mentioned above, Guinea commits to taking the following parallel measures in order to guarantee the export of the entire pre-Convention stockpile only and prevent any attempt to mix freshly cut wood with the pre-Convention stockpile that is to be exported:

- strengthen forest control measures in order to prevent any illegal logging through the implementation of Order A/2019/5664/MEEF/CAB of 25 September 2019 establishing the national brigade for combating wildlife crime in Guinea (*Brigade Nationale de lutte contre la criminalité des Espèces de Flore et de Faune Sauvages en Guinée*) and laying down its powers and organization;
- raise awareness of the public and of timber companies in Guinea through the implementation of the Decree prohibiting all exports of raw wood of *Pterocarpus erinaceus* immediately after the exceptional authorization by the Standing Committee to export the pre-Convention stockpile.

Article 11: To deter illegal logging, the export of the pre-Convention stockpile is deemed exceptional and only concerns the timber logged between 2009 and 2010.

Article 12: On the planned operational timeline

After analyzing the situation, the duration of the export will be 12 months from the entry into force of the decision of the Standing Committee to authorize the export of the stockpile once the Notification to the Parties has been issued by the CITES Secretariat.

The first three months will be devoted to setting up the administrative procedure and logistics. The export as such will take place during the following nine months, with this timeline:

- During the first eight months, 12,512 m³ will be exported at a rate of 1,564 m³ per month, that is, 92 containers;
- The remaining 1,488 m³ (88 containers) will be exported during the twelfth month.

This timeline may undergo changes depending on the capacity of the exporting companies. In the event of any changes, the CITES Secretariat will be promptly informed.

Article 13: On internal, external and public control

Through its Ministry of the Environment, Water and Forests, Guinea is committed to the strict implementation of the legislation in force and the recommendations of the Standing Committee on the export of the stockpile of wood of *Pterocarpus erinaceus* and intends to also ensure transparency throughout the export process.

CHAPTER IV: ESTIMATION OF INCOME

Article 14: The implementation of this export operation of wood of *Pterocarpus erinaceus* will allow the State of Guinea to collect the following income:

Market value of the wood:

1,000,000 GNF/m³ X 14,000 m³ =14,000,000,000 GNF, that is, 1,400,000 USD;

Fees and taxes:

Export fees: 14,000 m³ X 3,000/m³ = 42,000,000 GNF, that is, 4,200 USD;

Customs duties: 0.2% of the market price.


Article 15: The prospective client for the sale of the timber stockpile, which must take place in compliance with the regulations, is the wood processing company ETS. JINSHENG, established in the Republic of Guinea since 1996.

CHAPTER V: FINAL PROVISIONS

Article 16: The measures recommended by the Standing Committee at its 71st meeting will be implemented in the framework of the issuance of permits and certificates of origin in order to ensure that the export of the stockpile of wood of *Pterocarpus erinaceus* does not encourage further illegal logging.

AMPLIATIONS	
MEEF.....	2
DNEF.....	1
DG/OGUIB.....	1
DG/FFN.....	1
H/C Gend.....	1
D.G Douane	1
Police Interpol.....	1
ETS. JINSHENG.....	1
UE.....	1
Secr. CITES.....	1/11

Conakry, le. 16 NOV 2020



[Handwritten Signature]

Mohamed Oyé GUILAVOGUI