

NOTIFICATION TO THE PARTIES

No. 2022/045

Geneva, 8 June 2022

CONCERNING:

Outcomes of the expedited application of Article XIII for West African rosewood
Pterocarpus erinaceus for all range States

1. Pursuant to Article XIII of the Convention, at its 74th meeting (SC74, Lyon, March 2022), the Standing Committee requested the Secretariat to open an expedited compliance procedure for *Pterocarpus erinaceus* for all range States based on the exceptional circumstances generated by the documented pervasive trade in violation of the provisions of the Convention [see [executive summary SC74 Sum. 13 \(Rev. 1\) - 11/03/2022](#)].
2. The 16 known range States of *Pterocarpus erinaceus* were invited via Notification to the Parties [No. 2022/021](#) to submit to the Secretariat within 30 days (i.e. by **27 April 2022**), a written justification that the expedited compliance procedure pursuant to Article XIII is not applicable to them, by either providing their **non-detriment finding (NDF)¹ and legal acquisition finding (LAF)²**, **or** by requesting the Secretariat to publish a **voluntary zero export quota³** for commercial trade in specimens of this species.
3. Eleven range States of *Pterocarpus erinaceus* responded to the Notification within the deadline: Benin, Burkina Faso, Cameroon, Côte d'Ivoire, Gambia, Ghana, Guinea-Bissau, Mali, Niger, Senegal and Sierra Leone. Nigeria is already subject to a recommendation to suspend commercial trade in this species communicated via Notification to the Parties [No. 2018/084](#) and did not respond. Central African Republic, Chad and Togo did not respond; and Guinea responded after the deadline.
4. In its response, Cameroon requested an annual export quota of 7,500 tons of non-specified specimens and provided some information about the legality of the timber. Gambia requested an annual export/re-export quota of 50,000 m³ and had previously submitted an NDF document to the Secretariat for comments⁴. Guinea-Bissau requested an export quota of 30,000 m³ but has not submitted an NDF nor any evidence of a LAF. Mali requested to be allowed to export

¹ According to Resolution Conf. 16.7 (Rev. CoP17) on Non-detriment findings, an 'NDF' is the result of a science-based assessment that verifies whether a proposed export is detrimental to the survival of that species or not.

² According to Resolution Conf. 18.7 on Legal acquisition findings, a 'LAF' is the examination conducted by a Management Authority prior to issuing a CITES export permit to satisfy itself that the specimen was not obtained in contravention of the laws and regulations of that State for the protection of fauna and flora (in other words, it was legally acquired).

³ See Resolution Conf. 14.7 (Rev. CoP15) on Management of nationally established export quotas.

⁴ See document SC74 Doc. 35.1.1, paragraph 10 b).

163,758 m³ as the outstanding quantity under annual export quotas corresponding to the years 2020 and 2021, and submitted an NDF and a LAF, neither of which was considered by the Secretariat in consultation with the Chairs of the Standing Committee and of the Plants Committee, to provide a satisfying justification. The other range States that responded (Benin, Burkina Faso, Côte d'Ivoire, Ghana, Niger, Senegal and Sierra Leone) have submitted voluntary zero-export quotas, but Burkina Faso has requested to be allowed to export a stockpile of confiscated timber with a volume of 3,525 m³.

5. The Secretariat conducted a detailed analysis of the responses received from the range States, in consultation with the Chairs of the Standing Committee and of the Plants Committee. They evaluated the NDFs submitted having regard to Resolution Conf. 16.7 (Rev. CoP17) as well as the preliminary outcomes of the Review of Significant Trade for this species. They also assessed the LAFs having regard to Resolution Conf. 18.7 (Rev. CoP18) and took note of the requests to publish voluntary export quotas.
6. The results of the analyses and the details of the status of each range State can be found in the table included in the Annex to the present Notification. A comprehensive report will be submitted to the 75th meeting of the Standing Committee.
7. In light of the above, the outcomes of the expedited process are grouped as follows:

Voluntary zero export quota for commercial trade

8. A voluntary zero-export quota for commercial trade in specimens of *Pterocarpus erinaceus* will be published for the following countries at their request: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Niger, Senegal and Sierra Leone. The zero-export quota will be published on the CITES website upon the date of issuance of the present Notification to the Parties. The expedited compliance procedure pursuant to Article XIII is not applicable to these countries for the period of the duration of the zero-export quota published by the Secretariat. The Secretariat takes note of the request from Guinea to publish a zero-export quota but for the sake of clarity and consistency will abstain from publishing it at this stage for the reasons set out in paragraph 13 below.

Recommendation to suspend commercial trade in West African rosewood (*Pterocarpus erinaceus*)

9. The expedited compliance procedure pursuant to Article XIII is applicable to Cameroon, the Central African Republic, Chad, Gambia, Guinea-Bissau, Mali and Togo. In accordance with the recommendations agreed by the Standing Committee at its 74th meeting and set out in Notification No. 2022/021 of 28 March 2022, **Parties shall suspend commercial trade in specimens of the species *Pterocarpus erinaceus* from these seven range States with immediate effect.** The recommendation to suspend trade covers exports, re-exports and imports involving those seven Parties.
10. The recommendation will remain in place until the following conditions are met by the Party concerned:
 - a) The Party makes scientifically based non-detriment findings for trade in the species in their countries to the satisfaction of the Secretariat and the Chair of the Plants Committee, having regard to Resolution Conf. 16.7 (Rev. CoP17) and based on the outcomes of the Review of Significant Trade process for this species; and
 - b) The Party provides evidence of adequate legal acquisition findings to the satisfaction of the Secretariat and the Chair of the Standing Committee, having regard to Resolution Conf. 18.7 (Rev. CoP18).
11. With regards to shipments of specimens of *Pterocarpus erinaceus* that left the port of the country of export or re-export with valid permits before the publication of Notification to the Parties No. 2022/021 on 28 March 2022, it is at the discretion of the importing Party to decide if the trade is in accordance with the Convention and to accept or reject the shipment. Recommendations to

suspend trade do not come into effect before the timeframe envisaged by the corresponding decision of the Standing Committee or other relevant CITES body as applicable. Parties are reminded of their general duties to exercise due diligence [see Resolution Conf. 11.3 (Rev. CoP18)] and to not authorise the transit or import of any specimen if there is reason to believe that it is traded in contravention of the laws of any country involved in the transaction, or if there is reason to believe that the specimen accompanied by a CITES document may not have been traded in accordance with the provisions of the Convention.

12. The Secretariat notes that the recommendation to suspend trade is also applicable to stockpiles of confiscated specimens of *Pterocarpus erinaceus*. Parties wishing to export such stockpiles despite the recommendation to suspend trade may consider requesting a specific authorization of the Standing Committee through the Secretariat.
13. The Secretariat wishes to recall that the expedited procedure does not apply to the pre-Convention stock of specimens of *Pterocarpus erinaceus* from Guinea which is the object of a separate decision, as set out in Notification to the Parties [No. 2022/023](#). This is the only exemption to this expedited Article XIII compliance procedure.
14. Parties are requested to inform their enforcement and customs authorities of this recommendation to suspend trade to avoid the inadvertent acceptance of specimens of species subject to such a recommendation. Parties that issue import permits for trade in specimens of Appendix-II species are also encouraged to consult the list when processing applications. Parties are reminded that the complete list of Parties subject to a recommendation to suspend trade is available on the CITES website under [Documents / Trade suspensions](#).

RESPONSES TO NOTIFICATION NO. 2022/021 – PTEROCARPUS ERINACEUS

Party <i>*RST/Stage 2</i>	Response (Y/N)	NDF submitted/ comments	LAF submitted/ comments	Zero Export Quota requested
Benin*	Yes	No	No	Yes
Burkina Faso*	Yes (Two letters, 20 April 2022 and 21 April 2022, different requests).	No	<i>In letter dated 20 April 2022, Burkina Faso requested advice on a special authorization of export of confiscated stockpiles (3525 m³) The request relating to stockpiles will not be dealt with under the current Article XIII process.</i>	Yes (letter dated 21 April 2022)
Cameroon	Yes	No	Negative LAF (LAF submitted but not in accordance with the guiding principles, practical steps and rapid guide for the verification of legal acquisition contained in Resolution Conf. 18.7 on <i>Legal acquisition findings</i>)	Requested a quota, but not zero (7,500 tons - specimens not specified). Recommendation to suspend trade
Central African Republic	No	-	-	Recommendation to suspend trade
Chad	No	-	-	Recommendation to suspend trade
Côte d'Ivoire	Yes	No	No	Yes

Party <i>*RST/Stage 2</i>	Response (Y/N)	NDF submitted/ <i>comments</i>	LAF submitted/ <i>comments</i>	Zero Export Quota requested
Gambia*	Yes	No	No	Requested an export/re-export quota of 50,000 m ³ . Recommendation to suspend trade
Ghana*	Yes	No	No	Zero export quota requested
Guinea	Yes (submitted late)		-	Yes (outside the deadline).
Guinea Bissau*	Yes	No	No	Requested an export quota of 30,000 m ³ ("essencia"). Recommendation to suspend trade
Mali*	Yes	Yes, but the NDF submitted, in the view of the Secretariat in consultation with the Chairs of the Standing Committee and of the Plants Committee did not provide a satisfying justification as required by the Standing Committee.	Negative LAF (LAF submitted but not in accordance with the guiding principles, practical steps and rapid guide for the verification of legal acquisition contained in Resolution Conf. 18.7 on <i>Legal findings</i>)	Requested a quota, but not zero (and for 2020 and 2021). Recommendation to suspend trade <i>According to Resolution Conf 14.7 (Rev CoP15), the export quota for the species Pterocarpus erinaceus is of 201,176 m³ for 2020. From 1 January 2020 to 27 May 2020 (date of the export suspension), Mali only exported 37,418 m³ of that quota. Mali is requesting to make up for the export of the remaining 163,758 m³ in 2022.</i>
Niger	Yes	No	No	Yes
Nigeria	No	No	No	Trade suspension in effect since 2019

Party <i>*RST/Stage 2</i>	Response (Y/N)	NDF submitted/ <i>comments</i>	LAF submitted/ <i>comments</i>	Zero Export Quota requested
Senegal	Yes	No	No	Yes
Sierra Leone*	Yes	No	No	Yes (however, high-level authorities requested clarification regarding exports pre-Notification No. 2022/021 and consignments awaiting shipment as of 6 April 2022)
Togo	No	-	-	Recommendation to suspend trade