

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

Maintenance of the Appendices

ANNOTATION #15

1. This document has been submitted by the European Union and its Member States, and prepared by the Confederation of European Music Industries (CAFIM) and Chambre Syndicale de la Facture Instrumentale (CSFI), in relation to document SC69 Doc. 69.1 on *Establishment of a working group on annotations* and document SC69 Doc. 69.3 on *Interpretation of annotation #15*.*
2. While this document does not reflect the official position of the EU and its Member States, it is believed that this document usefully presents the views of certain representatives of the private sector.

* *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.*

PROPOSAL OF AN AMENDMENT OF THE #15 CITES ANNOTATION DURING THE COP18 IN 2019 IN SRI LANKA BY CSFI AND CAFIM

ENGLISH VERSION, SEPTEMBER 7, 2017

Considering that :

1. The listing of the whole genus *Dalbergia* is not based on a documented knowledge of the different species but on the problem of their similar appearance. Thus, it has an impact on several species that are not threatened including the dozen used in musical instrument making such as *dalbergia melanoxylon* or *dalbergia latifolia* which comes mostly from plantations.

And that musical instrument making is a small sector that represents a very little share in the *Dalbergia*/Bubinga use and exploitation.

2. The musical instrument – once it has been sold and during his whole life cycle – will travel and then make several transboundary movements (repairs included in after-sales service or not, private sales, exhibition with or without sale). This leads to a work overload for the international CITES Management Authorities and to additional and heavy tasks that are not necessary to achieve CITES goals which are conservation of the species and sustainable development.

Administrative tasks that cost time to deliver re-export certificates or import permits for musical instruments which acquisition lawfulness has already been proved at least twice during previous transactions (export permit + import permit in the European Union).

CSFI and CAFIM are proposing the following amendment to the #15 CITES annotation for the CoP18 :

#15 All parts and derivatives are included, except:

- a) Leaves, flowers, pollen, fruits, and seeds;
- b) Non-commercial exports and re-exports with a maximum total weight of 10 kg of species subject to this annotation per item;
- c) Parts and derivatives of *Dalbergia cochinchinensis*, which are covered by Annotation # 4;
- d) Parts and derivatives of *Dalbergia* spp. originating and exported from Mexico, which are covered by Annotation # 6.

New subsection e) musical instruments*, whether they are exported or reexported for commercial or non-commercial purpose

* Identification of the products as musical instruments

It is important to note that during the CoP17 in 2016, the idea of a specific exception was proposed and rejected since there was no tool to identify musical instruments. CITES feared that this exception could be used fraudulently for other objects than musical instruments and that the circulation of *Dalbergia* woods could then not be controlled.

A codification for musical instruments does exist in the customs nomenclature that has been developed under the World Customs Organization (WCO). Musical instruments appear in Section 18, Chapter 92 in this nomenclature. This codification is a possibility that must be considered for musical instruments identification, which could also be conducted with another system that provides a clear and precise definition of the instruments.

September 7, 2017,

French Musical Instrument Organisation (La Chambre Syndicale de la Facture Instrumentale, CSFI)
Confederation of European Music Industries (CAFIM)

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After the plant committee (23) and as we agreed, here are our recommendations about the annotation #15 :

Regarding Interpretation of the term "non-commercial" in paragraph b) of annotation #15

1. 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, exhibits (e.g. on a temporary exhibition, instrument is returned to the country where the instrument is normally held).

The cross-border movement of an item (such as a musical instrument) for the purpose of being repaired (whether the repairs are paid or not.), as well as the return of this same item to its owner, 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.

- ii) 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 the Dalbergia/Guibourtia species present in each item weights less than 10 kg and would therefore, if traveling separately, qualify for the exemption;
- iii) the loan of specimens for exhibition in museums, competition or performance purposes.

Regarding interpretation of the term "10 kg per shipment"

- 2. 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,

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"

- 3. 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 weights less than 10 kg and that the related instruments would therefore, if travelling separately, qualify for the exemption. However, if the weight of wood of CITES 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

4. 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 it is asked 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 in the case of pre-Convention specimens. 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.

Regarding marking requirements

5. It is impossible for the manufacturers to indicate the musical instruments serial numbers on the corresponding CITES permit or certificate.
Indeed, a lot of countries require import permits whose procedure are quite long. There is thus a time-lag between administrative time that requires to anticipate and to ask for CITES document early (sometimes two months in advance) and company time where musical instruments are made progressively.
The company has therefore no ability to know exactly which instruments will be sent and then to indicate their serial numbers on the re-export certificate.

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