

Brazilian rosewood - Exporting items made from CITES pre-Convention material to the European Union

Manufacturers and sellers of musical instruments have recently encountered problems in exporting musical instruments containing Brazilian rosewood to the European Union. Below is a brief discussion on Brazilian rosewood and CITES, and what is allowed under European Union regulations.

Brazilian rosewood (*Dalbergia nigra*), a tree species endemic to the Atlantic Forest of Brazil, whose dense, dark wood is used in the manufacture of fine musical instruments and other fine wooden items, has been listed in Appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) since June 11, 1992. Brazilian rosewood acquired before June 11, 1992, and any product made from such wood, is considered to be pre-Convention under CITES. For international trade in such specimens, the United States and many other countries issue a pre-Convention certificate under CITES. However, paragraph 1 a) of Article XIV of CITES states that, "The provisions of the present Convention shall in no way affect the right of Parties to adopt: (a) stricter domestic measures regarding the conditions for trade, taking, possession or transport of specimens of species included in Appendices I, II and III, or the complete prohibition thereof." The United States has, for some species, enacted stricter domestic legislation through, for example, the U.S. Endangered Species Act and the Wild Bird Conservation Act. The European Union (E.U.) regulation that implements CITES establishes a list of protected animal and plant species in four annexes (A, B, C, and D). The degree of protection and the nature of measures that apply to the species concerned vary according to the Annex in which the species is listed.

The E.U. includes Brazilian rosewood in Annex A, which means that pre-Convention specimens generally may not be imported into the E.U. for commercial purposes. The only exemptions provided by the E.U. for the import of Brazilian rosewood specimens for commercial purposes are for worked specimens acquired before March 1, 1947, and for specimens reintroduced into the E.U. The import of any items containing Brazilian rosewood into the E.U. requires the prior issuance of an import permit by the CITES Management Authority of the importing country. Although the United States may issue a CITES document for the export of CITES-listed species, we strongly advise that exporters always consult with the Management Authority of the importing country to determine the import requirements. A list of CITES national contacts can be found at <http://www.cites.org/cms/index.php/lang-en/component/cp/>.