



United States Department of the Interior

FISH AND WILDLIFE SERVICE

International Affairs
5275 Leesburg Pike, MS: IA
Falls Church, VA 22041-3803



IN REPLY REFER TO:
FWS/DMA PLA 7-15

NOV 17 2016

Dear U.S. importer/re-exporter of rosewood species:

This letter is to inform you of recent actions taken by the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) regarding international trade in wood and wood products of rosewoods and palisanders (*Dalbergia* spp.), bubingas (*Guibourtia* spp.), and kosso or African rosewood (*Pterocarpus erinaceus*). We are posting this letter on our website at: <https://www.fws.gov/international/plants/wood-and-other-tree-products.html>, and have provided it to the International Wood Products Association (IWPA); the Hardwood, Plywood, and Veneer Association (HPVA); and National Association of Music Merchants (NAMM), and The American Federation of Violin and Bow Makers.

At the 17th meeting of the Conference of the Parties to CITES (CoP17), held in September/October 2016, the entire genus *Dalbergia* spp. (except for Brazilian rosewood (*Dalbergia nigra*), which is listed in Appendix I), the three bubinga species of *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii*, and kosso (also called African rosewood) (*Pterocarpus erinaceus*) were listed in Appendix II. The listings will become effective on January 2, 2017.

The Appendix-II listing of kosso (*Pterocarpus erinaceus*) does not include an annotation, which means that it covers all parts and derivatives. The remaining new listings are annotated to describe which parts and derivatives are covered by the listing and will be subject to regulation under CITES. The listings of *Dalbergia* spp. (except for Brazilian rosewood (*Dalbergia nigra*), which is listed in Appendix I) and the three bubinga species (*Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii*) carry the following new annotation:

All parts and derivatives are included, except:

- a) Leaves, flowers, pollen, fruit, and seeds;
- b) Non-commercial exports of a maximum total weight of 10 kg per shipment;
- 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.

In this new annotation, paragraph b) refers to both exports and re-exports and exempts from CITES controls “non-commercial” shipments weighing 10 kg or less. Under U.S. regulations (50 C.F.R. 23.5), “non-commercial” means related to an activity that is not commercial, and includes but is not limited to personal use. “Commercial” means related to an activity that is reasonably likely to result in economic use, gain, or benefit, including, but not limited to, profit (whether in

cash or in kind). Examples of non-commercial items include gifts, items not intended for sale that are carried in personal baggage or as part of a household move, and items that are personally owned and shipped to oneself. Items made of *Dalbergia* spp., *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii* that do not meet the requirements of this exemption must be accompanied by CITES documents when traded internationally. As noted in paragraphs c) and d) of the new annotation, items of *Dalbergia cochinchinensis* must meet the requirements of Annotation #4, and items of *Dalbergia* spp. originating in and exported from Mexico must meet the requirements of Annotation #6.

Annotation #4, which applies to *Dalbergia cochinchinensis*, reads as follows:

All parts and derivatives, except:

- a) seeds (including seedpods of Orchidaceae), spores and pollen (including pollinia). The exemption does not apply to seeds from Cactaceae spp. exported from Mexico, and to seeds from *Beccariophoenix madagascariensis* and *Neodypsis decaryi* exported from Madagascar;
- b) seedling or tissue cultures obtained *in vitro*, in solid or liquid media, transported in sterile containers;
- c) cut flowers of artificially propagated plants;
- d) fruits, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genus *Vanilla* (Orchidaceae) and of the family Cactaceae;
- e) stems, flowers, and parts and derivatives thereof, of naturalized or artificially propagated plants of the genera *Opuntia* subgenus *Opuntia* and *Selenicereus* (Cactaceae); and
- f) finished products of *Euphorbia antisyphilitica* packaged and ready for retail trade.

Annotation #6, which applies to specimens of *Dalbergia* spp. originating in and exported from Mexico, reads as follows: [regulates] Logs, sawn wood, veneer sheets and plywood.

CITES is an international treaty that has been ratified by 182 countries and the European Union since it entered into force in 1975. Its aim is to prevent species from becoming endangered or extinct because of international trade. CITES regulates international wildlife trade through a system of permits and certificates to ensure that trade in listed wildlife (including plants), including their parts, derivatives, and products, is legal and does not threaten the survival of the species. Species may be listed under CITES in one of three Appendices, each of which provides a different level of protection. Appendix I includes species threatened with extinction; international trade in these species is strictly regulated and commercial trade in them is largely prohibited. Appendix II includes species that, although currently not threatened with extinction, may become so without trade controls. Most CITES species, including those discussed in this letter, are listed in Appendix II. Appendix III includes species for which a range country is seeking the cooperation of other CITES member countries to help it better control international trade in the species.

o Imports of *Dalbergia* spp., *Guibourtia demeusei*, *Guibourtia pellegriniana*, *Guibourtia tessmannii*, and *Pterocarpus erinaceus* into the United States

Beginning January 2, 2017, imports into the United States of items that do not qualify for the exemptions outlined in the annotations described above must be accompanied by CITES permits

or certificates issued by the country of export or re-export. This date applies even if the shipment was exported before January 2, but will arrive in the United States on or after January 2.

Importers are therefore urged to communicate with their trade partners to ensure that shipments are in compliance with CITES requirements. If the item(s) being traded internationally originated from trees harvested before the species was listed in the CITES Appendices, the shipment must be accompanied by a CITES Pre-Convention certificate. Below is a table showing the species and populations of *Dalbergia* spp. that were previously listed in the CITES Appendices as well as the remainder of the genus, which will be listed in Appendix II, effective January 2, 2017. The table also indicates the CITES pre-Convention date (or listing date) for the previously listed species and populations.

***Dalbergia* spp. CITES pre-Convention dates**

Species/population	Listing date	Notes
<i>Dalbergia</i> spp. (Populations of Madagascar)	June 12, 2013	Pre-Convention date for Madagascan populations of <i>Dalbergia</i> spp. other than <i>D. louvelii</i> , <i>D. monticola</i> , <i>D. normandii</i> , <i>D. purpurascens</i> , and <i>D. xerophila</i>
<i>Dalbergia</i> spp.	January 2, 2017	Pre-Convention date for populations other than Madagascar and species/populations listed below
<i>Dalbergia calycina</i> (Population of Guatemala)	February 2, 2015	
<i>Dalbergia calycina</i>	January 2, 2017	Pre-Convention date for populations other than Guatemala
<i>Dalbergia cochinchinensis</i>	June 12, 2013	
<i>Dalbergia cubilquitzensis</i> (Population of Guatemala)	February 2, 2015	
<i>Dalbergia cubilquitzensis</i>	January 2, 2017	Pre-Convention date for populations other than Guatemala
<i>Dalbergia darienensis</i> (Population of Panama)	June 12, 2013	
<i>Dalbergia darienensis</i>	January 2, 2017	Pre-Convention date for populations other than Panama
<i>Dalbergia glomerata</i> (Population of Guatemala)	February 2, 2015	
<i>Dalbergia glomerata</i>	January 2, 2017	Pre-Convention date for populations other than Guatemala
<i>Dalbergia granadillo</i>	June 12, 2013	
<i>Dalbergia louvelii</i> (Population of Madagascar)	January 22, 2011	
<i>Dalbergia monticola</i> (Population of Madagascar)	January 22, 2011	
<i>Dalbergia normandii</i> (Population of Madagascar)	January 22, 2011	
<i>Dalbergia purpurascens</i>	January 22, 2011	

(Population of Madagascar)		
<i>Dalbergia retusa</i> (Population of Guatemala)	February 12, 2008	
<i>Dalbergia retusa</i> (Population of Panama)	December 22, 2011	
<i>Dalbergia retusa</i>	January 2, 2017	Pre-Convention date for populations other than Guatemala and Panama
<i>Dalbergia stevensonii</i> (Population of Guatemala)	February 12, 2008	
<i>Dalbergia stevensonii</i>	January 2, 2017	Pre-Convention date for populations other than Guatemala
<i>Dalbergia tucurensis</i>	June 24, 2014	
<i>Dalbergia xerophila</i> (Population of Madagascar)	January 22, 2011	

For more information on obtaining CITES documents from a foreign country to import CITES-listed material from these *Dalbergia* spp., *Guibourtia* spp., and *Pterocarpus erinaceus* into the United States, please contact the CITES Management Authority of the relevant CITES member country. Contact information can be found on the CITES website at: <https://cites.org/eng/cms/index.php/component/cp>. [Note: some countries designate more than one Management Authority, each with specific responsibilities related to permitting, plant or timber trade, etc.]

All shipments of CITES-listed *Dalbergia* spp., *Guibourtia* spp., or *Pterocarpus erinaceus* material imported into the United States must enter through a port designated for the import and export of CITES-listed plants by the U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS). The U.S. Department of Homeland Security's Customs and Border Protection (CBP) will inspect the shipments at these ports prior to the material entering the United States to ensure that they are accompanied by the appropriate CITES documentation and are otherwise in compliance with U.S. law.

o Re-exports of *Dalbergia* spp., *Guibourtia demeusei*, *Guibourtia pellegriniana*, *Guibourtia tessmannii*, and *Pterocarpus erinaceus* from the United States

For a shipment of CITES-listed *Dalbergia* spp., *Guibourtia* spp., or *Pterocarpus erinaceus* to be legally re-exported from the United States, it must be accompanied by a U.S. CITES Appendix-II re-export certificate issued by this office, the U.S. CITES Management Authority. If the material or item to be re-exported originates from trees harvested prior to the species listing date in the CITES Appendices, our office will issue a CITES pre-Convention certificate. As noted above, the January 2, 2017, effective date of the listing applies even if the shipment is re-exported before January 2 but will arrive in the destination country after that date. Re-exporters of commodities that will be covered under these new listings are urged to contact the U.S. CITES Management Authority to ensure that they obtain the appropriate CITES documents for their shipments.

All shipments of CITES-listed *Dalbergia* spp., *Guibourtia* spp., or *Pterocarpus erinaceus* material, or items made from these species, to be re-exported from the United States must be

shipped through a CITES designated port for plants, and must be inspected and cleared by APHIS prior to re-export. CITES re-export certificates are not valid if they have not been stamped and validated by APHIS officials upon re-export.

o Documentation of existing stockpiles of wood of the above referenced *Dalbergia*, *Guibourtia*, and *Pterocarpus* taxa in the United States

We recognize that there are numerous individuals and businesses in the United States that possess stockpiles of wood of the above-referenced timber taxa acquired before they were listed in the CITES Appendices and/or acquired after the species were listed in the CITES Appendices but with annotations that only covered raw material. We therefore provide the following suggestions for documenting those stockpiles. In the event that you wish to re-export previously acquired wood of these taxa from the United States, you will be asked to provide documentation showing that the wood to be exported was legally acquired, and in the case of pre-Convention wood, that it was acquired prior to the effective date for the CITES listing of that taxon. Examples of such documentation may include copies of CITES documents used for the import of the wood, sales receipts, or inventory logs. Additionally, photographs, date stamped if possible, of existing stockpiles would further support any documentation provided for determining that wood is pre-Convention. Also, when you apply for a CITES certificate to re-export wood of these taxa from the United States, you may be asked to provide information concerning the total amount of wood of the particular species that you own. Please note that we will not require registration of stockpiles of wood of these taxa held in the United States.

Commercial transactions within the United States of any of the above-referenced *Dalbergia*, *Guibourtia*, and *Pterocarpus* taxa will not be affected by the Appendix-II listings. The Appendix-II listings are not bans or boycotts and should not be misinterpreted as such. On the contrary, Appendix-II documentation demonstrates that specimens were legally acquired and produced sustainably.

We look forward to working with you on implementing these new Appendix-II listings. If you have any questions, please feel free contact us at: telephone: 703-358-2095, fax: 703-358-2298, or email: managementauthority@fws.gov. If you have specific questions about the designated ports for CITES-listed plants, or other enforcement matters related to the CITES listings of *Dalbergia* and *Guibourtia*, please contact Mr. John Veremis with APHIS Plant Protection and Quarantine at: telephone: 301-851-2347, fax: 301-734-3560, or email: john.veremis@aphis.usda.gov. Also, for additional information about APHIS and the designated CITES plant ports, please visit the APHIS website at: <https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information>.

Sincerely,



Craig Hoover, Chief
Division of Management Authority