

CROSSING BORDERS

A guide to the trade in musical instruments containing protected species

2023

FOREWORD

This guide defines the legal framework for trade in **specimens** of species listed in the CITES **Appendices**.

Whether this trade is on national territory, in the EU or internationally, whether the seller - like the buyer - is a company or an individual (amateur musician or professional for example).

First of all, you must be in possession of a certificate or invoice (see page 8) specifying ALL the species contained in your instrument. If not, you will have to obtain it either from the seller, the manufacturer or an expert luthier. This document must accompany the instrument during each commercial transaction.

The first things to identify are: the specimen and the species concerned, the Appendix and the annotation and the date of listing in CITES.

CITES specimen: The term "CITES specimen" is used to identify the **raw species**, the **transformed species** and the **intermediate or transformed products** or **finished products** made from the species which is listed in one of the 3 Appendices of the CITES.

Concerning woods, it can be:

- **sawn wood¹**
- **unfinished parts² of musical instruments** (also concerns unfinished instruments and accessories)
- **finished parts³ of musical instruments**
- **finished accessories⁴ and**
- **finished musical instruments⁵.**

				
1 - sawn wood	2 - unfinished parts of musical instruments	3 - finished parts of musical instruments	4 – finished accessories	5 – finished musical instruments
44.06 44.07	44.06 - 44.07 - 44.08 44.09 - 44.12	92.09...	92.09...	92.01 - 92.02 - 92.06 92.07 - 92.08 - 97.05 97.06

The CITES species: The reference of a species for CITES is the scientific name of the genus and the species. For example: Scientific name: genus = *dalbergia* and species = *latifolia* / Common name: genus = rosewood and species = indian. **Dalbergia Latifolia → Indian Rosewood**

We often see instruments with only the common name of the wood genus (rosewood) and not the species (Indian rosewood). Species of the same genus can be classified in Appendix I and/or Appendix II or not classified at all. This is the case of rosewood, the Brazilian rosewood is classified in Appendix I while all other species are classified in Appendix II. **It is therefore imperative to mention the botanical name of the genus AND the species (e.g. *dalbergia latifolia* for Indian rosewood).**

CITES Appendices (I, II et III → A, B et in the EU) :

Appendix I includes species threatened with extinction. The trade of their specimens is only allowed under exceptional conditions. Import, export permits or re-export certificates will be required depending on the case. **Trade in musical instruments requires a permit.**

Appendix II includes species that are not necessarily threatened with extinction but whose trade in specimens must be regulated to avoid exploitation incompatible with their survival. Import permit (depending on the country), export permit or re-export certificate will be required depending on the case. **(**) It is the annotation that will define if the musical instrument requires a permit or not. If the listing is not accompanied by an annotation, the musical instrument is subject to a CITES permit.**

Appendix II includes all protected species from a country that has requested the assistance of other CITES Parties to control trade. **Same (**)**

Annotations and Effective Date:

The lists of plant species included in CITES Appendices II and III are usually accompanied by notes entitled : "**Annotations**". These define the modalities of application, such as the parts or products concerned by the listing of the species.

If there is no annotation, the musical instrument is subject to the CITES permit.

Example: Cuban mahogany (*Swietenia mahagoni*) listed for the first time on 11/06/1992 in Appendix II with annotation #5, which means that the following specimens are covered by CITES: logs, sawn wood and veneers. In this case, the finished products and therefore the instruments do not require a CITES permit.

It is therefore the annotation that will define the scope of what is regulated and what is not depending on its date of entry into force. See page 3 for a list of CITES-listed species that can be found in musical instruments and page 9 for useful links.

Sale of a pre-Convention specimen: Trade in the specimen is possible if the annotation allows it and if it is demonstrated that the species used for its manufacture was taken from the wild before the first date of listing of the species in CITES. Example: Rosewood - Appendix I - present before 1992 (date of its first listing) in the EU and used to make a musical instrument in 2023 is considered pre-Convention as long as the date of introduction into the EU can be proven by an invoice. Its sale requires a CITES permit.

A specimen is not pre-Convention if it has been manufactured with a species that has been imported after the first date of listing of the species in CITES (impossible case for Appendix I). For species listed in Appendix II, musical instruments may require a permit (depending on the annotation).

Important: EU nationals are subject to EU Regulation (EC) No. 338/97 which is more restrictive than the CITES text, especially concerning Appendix I (Appendix A in the EU).

→ EXPORT PERMIT

Specimen from the country where the tree was grown

→ RE-EXPORT CERTIFICATE

Specimen imported and then exported

→ IMPORT PERMIT

Not a CITES requirement (except for Appendix I), the EU (e.g.) requires one for each import into the EU of specimens listed in Appendix B and C (which correspond to Appendix II and III)

→ MUSICAL INSTRUMENT CERTIFICATE (MIC)

The MIC is a kind of CITES passport allowing the cross-border passage of musical instruments in a non-commercial context (musician's travel or an orchestra in the context of a concert, for example.)

→ CERTIFICATE FOR ITINERANT EXPOSURE (Q PERMIT or CIE)

Particular case where the exported specimen is intended to return in the same state on the territory (valid for 3 years). In a non-commercial context. Choose this permit to exhibit a Brazilian rosewood guitar at a trade show outside the EU for example or for moving an orchestra.

→ CERTIFICATE FOR SAMPLE COLLECTION (PERMIT T or CSC)

Same as Q permit but must be accompanied by an ATA carnet (valid for 6 months only)

→ INTRA-COMMUNITY CERTIFICATE (ICC) - EU specific

EU-specific permit for specimens listed in Annex A of the EU Regulation. The CIC is required prior to each sale, sale and purchase to a customer established in the EU, including when seller and buyer are established in the same country.

→ INVOICE : Within the EU (outside Annex A), the CITES permit is not mandatory. However, it is strongly recommended to accompany the specimen with a correctly written invoice (see page 8)

List of CITES species entry/exit points :

- [In the European Union](#)
- [In the United Kingdom](#)
- [In the United States](#)

Examples of CITES-listed species found in musical instruments

Note: This list is not exhaustive and may change. (See updated list). Appendix III species are not listed here.

SPECIES		KIND	CITES Appendix	1st EFFECTIVE DATE	ANNOTATION (see Appendix)	Finished musical instruments, finished parts and accessories of instruments
SCIENTIFIC NAME	COMMON NAME					
Elephas maximus (see page 7)	Asian Elephant	IVORY	I	07/01/1975	NO	PERMIT REQUIRED
Loxodonta africana, Loxodonta cyclotis (see page 7)	African elephant	IVORY	I	01/18/1990 (see page 7)	NO	PERMIT REQUIRED
Eretmochelys imbricata	Tortoise shell	Tortoise	I	02/04/1977	NO	PERMIT REQUIRED
Chelonia mydas	Tortoise shell	Tortoise	I	07/01/1975	NO	PERMIT REQUIRED
Dalbergia nigra (see page 6)	Brazilian rosewood	WOOD	I	06/11/1992	NO	PERMIT REQUIRED
Dalbergia cochinchinensis	Siamese rosewood	WOOD	II	06/12/2013	#4 - #15	PERMIT REQUIRED
Pterocarpus spp. (African population)	Kosso	BOIS	II	01/02/2017	#17	LICENSE NOT REQUIRED
Dalbergia spp. sauf dalbergia nigra & cochinchinensis	All rosewoods except Brazilian rosewood & Siamese	WOOD	II	01/02/2017	#15 revised	LICENSE NOT REQUIRED EXCEPT CERTAIN COUNTRIES**
Guibourtia demeusei, G.pellegriniana & Guibourtia tessmannii	Bubinga	WOOD	II	01/02/2017	#15 revised	LICENSE NOT REQUIRED EXCEPT CERTAIN COUNTRIES**
Diospyros spp. de Madagascar	Madagascar Ebony	WOOD	II	06/12/2013	#5	LICENSE NOT REQUIRED
Swietenia mahagoni	American mahogany...	WOOD	II	06/11/1992	#5	LICENSE NOT REQUIRED
Swietenia macrophylla	Bigleaf Mahogany	WOOD	II	11/15/2003	#6	LICENSE NOT REQUIRED
Paubrasilia echinata	Pernambuco	WOOD	II	09/13/2007	#10 revised	LICENSE NOT REQUIRED EXCEPT BRAZIL EXPORT
Cedrela odorata	Cedro, spanish cedar	WOOD	II	08/28/2020	#6	LICENSE NOT REQUIRED
Khaya spp. (African species)	African mahogany	WOOD	II	02/23/2023	#17	LICENSE NOT REQUIRED


** Some countries like China require a CITES equivalent. Find out more from the non-EU country

SPECIES LISTED IN APPENDIX I

Excluding ivory, for ivory see page 7

As a reminder :

- When a species is listed in Appendix I of CITES, **all specimens of the species are concerned**. The trade of all specimens is prohibited except in special derogatory cases which can be traded but always with a CITES permit (see example page 6).
- EU nationals are subject to EU Regulation (EC) NO 338/97** which is more restrictive than the text of the CITES Convention, particularly concerning Appendix I.
- Only pre-convention specimens** may be traded with required CITES permit.

Import/Export	Outside EU	Within the EU 
<p>Are concerned, all the specimens, including:</p> <ul style="list-style-type: none"> Finished musical Instruments Finished parts of musical instruments Finished Musical Instrument Accessories 	<p>For a trade outside EU ↔ outside EU, an import permit and a re-export certificate¹ are required.</p> <p>For a trade outside EU ↔ EU, an import permit and a re-export certificate¹ are required. To obtain the permit in the EU, you must be able to provide proof:</p> <ul style="list-style-type: none"> - That the specimen has already been introduced into the EU before the date of the 1st listing of the species² - or that the musical instrument dates from before 1947³ 	<p>For a trade within the EU, a ICC⁴ is required. To obtain ICC in the EU, you must be able to provide proof:</p> <ul style="list-style-type: none"> - That the specimen has already been introduced into the EU before the date of the 1st listing of the species² - or that the musical instrument dates from before 1947³

¹ If the specimen is exported from the country where the tree was cut, this is an export permit. For a specimen of fauna, it is the country from which the animal comes.

² See case of Brazilian rosewood page 6


³ **The date of March 3, 1947** refers to worked specimens acquired more than fifty years before the date of entry into force of EU Regulation (EC) NO 338/97 which is 1997. Considered an "antique", a musical instrument meets the definition of "worked specimen". A re-export certificate will not be required for export from the EU, but importing into a non-EU country may require an import permit (see depending on the country). An import permit will be required when bringing into the EU a worked specimen dating from before 1947. Raw wood, finished and unfinished parts are not concerned.

⁴ **To obtain a ICC – Intra Community Certificate:** You need the invoice corresponding to the purchase of the wood on a date prior to the 1st listing of the species at CITES or a stock declaration made and sent to the CITES management authority before the date of the 1st listing of the species. species to CITES (for EU nationals, it is the date of entry into force of the EU which is to be taken into account for the stock declaration).

SPECIES LISTED IN APPENDIX II or III

As a reminder :

- To find out if the specimen in trade is subject to CITES permits, read the annotation that accompanies the listing of the species concerned (see page 2 and examples on page 9). **If the CITES listing of the species is not accompanied by an annotation, trade in all specimens is subject to a CITES permit..**

Import/Export	Outside EU	Within the EU 
Are concerned, all specimens <u>except</u> those listed in the annotation (see examples below)	<p>For a trade outside EU ↔ outside EU, an import permit and a re-export certificate¹ is required.</p> <p>For a trade outside EU ↔ EU, an import permit (for EU) and a re-export certificate¹ are required</p>	For a trade within the EU , no permit is required

¹ If the specimen is exported from the country where the tree was cut, this is an export permit. For a specimen of fauna, it is the country from which the animal comes.

Examples

→ All Rosewoods (except Brazilian rosewood) and Bubinga (1st date of registration on 02/01/2017 in **appendix II annotation #15**, revised on 26/11/2019) :

For trade in *Dalbergia* spp. (except *Dalbergia nigra*, Brazilian rosewood) and *Guibourtia demeusei*, *Guibourtia pellegriniana* & *Guibourtia tessmannii*, **All parts and derivatives require CITES permits except :**

- Leaves, flowers, pollen, fruits, and seeds;
- Finished products to a maximum weight of wood of the listed species of up to 10 kg per shipment;
- Finished musical instruments, finished musical instrument parts and finished musical instrument accessories;**
- Parts and derivatives of *Dalbergia cochinchinensis*, which are covered by Annotation # 4; and
- Parts and derivatives of *Dalbergia* spp. originating and exported from Mexico, which are covered by Annotation # 6.

ATTENTION: products (i.e. musical instruments) of *Dalbergia cochinchinensis* are covered by annotation #4 and therefore require permits

→ Pernambuco (1st date of registration on 09/13/2007 in **appendix II annotation #10**, revised on 02/23/2023):

For trade of *Paubrasilia echinata*, **All parts, products and finished products require CITES permits except :**

Re-export² of finished musical instruments, finished musical instrument accessories and finished musical instrument parts..

² This includes instruments and accessories exported from any country other than Brazil

For whom? Any person, professional or private, in possession of Brazilian rosewood in the form of sawn timber or semi-finished or finished product and wishing to trade it within or outside the EU.

Trade prohibited: The import and export for commercial purposes of CITES Appendix I specimens (Appendix A for the EU) are prohibited unless exempted.

Trade exemptions - case of the EU : There are exemptions to this general principle of prohibition. They concern imports of specimens **that can be shown to be:**

- worked specimens **made before March 1947** (considered in the EU as antiques), or
- “pre-convention” specimens, **i.e. made with Brazilian rosewood having stayed in the EU before 11/06/1992 or objects in Rio having stayed in the EU before this date**

Imports and exports must therefore always be accompanied by CITES documents.

Within the EU, these exemptions are granted on a **case-by-case basis**. An **Intra-Community Certificate (ICC)** is **required prior to each sale, sale and purchase** taking place, including when **seller and buyer are established in the same country**. This ICC requirement is **also** applicable to specimens that have been the subject of a CITES import permit under one of the above exemptions. Shipments outside the EU are subject to re-export certificates.

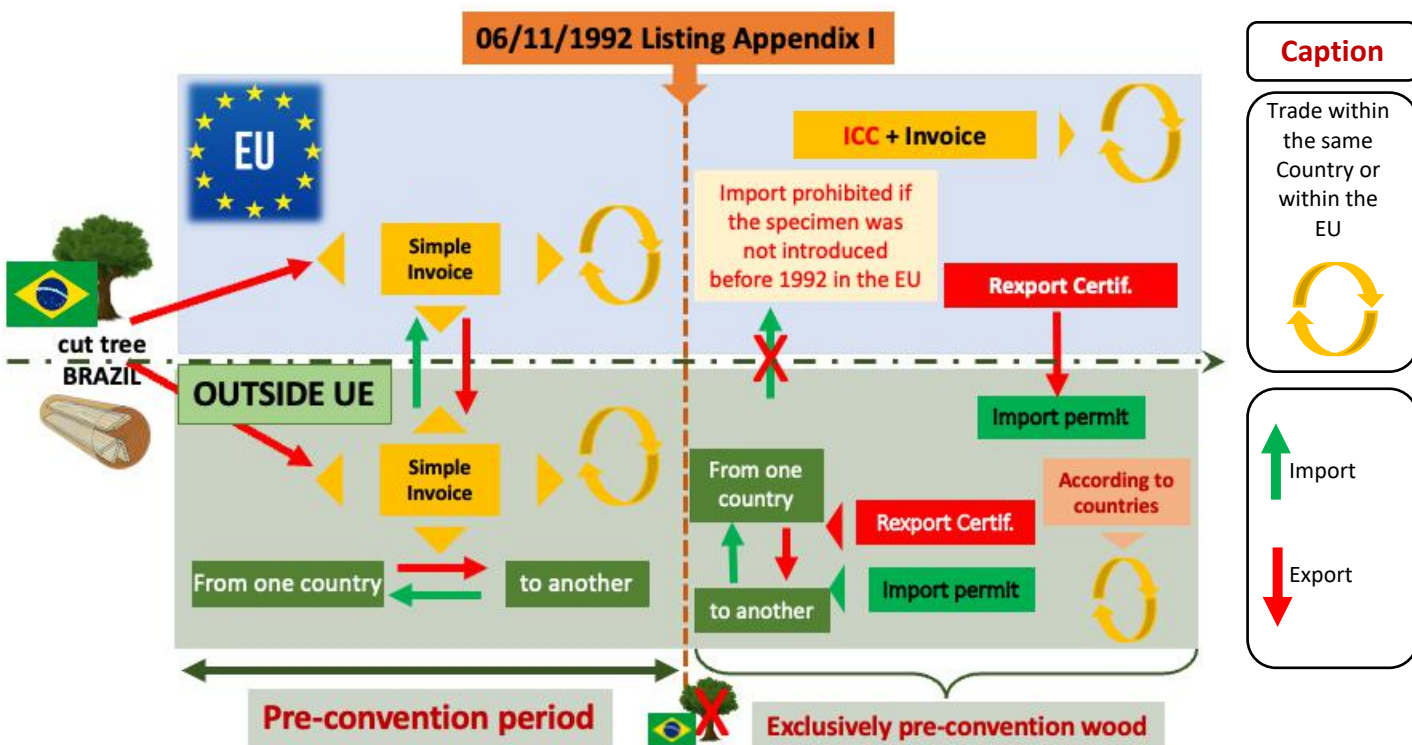
Since 1992, it is prohibited to import into the EU any specimen in Brazilian rosewood, if it has not been introduced into the EU before that date and if it cannot be considered as an antique.

IN SUMMARY: to sell/buy rio, either:

- you already have a **ICC**, either
- you have to get it, and for that, you have to prove that the specimen was introduced into the EU before June 11, 1992 **and that this commercial transaction is the 1st since**. See diagram below.

Examples of special cases for Brazilian rosewood:

- A luthier makes a guitar in 2023 with Brazilian rosewood present (supporting evidence) within the EU before June 1992. He must ask the CITES management authority of his country for a ICC, which the customer will keep and must give to potential future buyers, accompanied by the sales invoice.
- A guitar manufactured after 1947 and before 1992 and present after 1992 in a non-EU country cannot be imported into the EU after 1992 unless it has already stayed (with supporting evidence) in the EU before 1992.
- Wood cut before 1992 and present today outside the EU cannot be imported into the EU after 1992.
- A wood or a musical instrument present in France before 1992 having been sold after 1992 without CIC is illegal and cannot be bought.



Ivory

As a reminder: The elephant is classified in Appendix I of CITES (Annex A in the EU). The Asian elephant since July 1, 1975 and the African elephant since January 18, 1990. These two dates are regularly included in the regulations. Many countries apply their own regulations. **Inquire before any trade.**

Ivory in the European Union

New measures have been taken by the European Commission and have been in force since **January 19, 2022**. Exemptions are provided for musical instruments.

- **The only date** retained for pre-convention ivory (for Asian AND African elephants) **is July 1975**. And the date refers to the acquisition of the ivory and not to the manufacture of the object.
- **The commercial exploitation of ivory** dating from July 1975 until 1990 will no longer be possible within the EU.
- Antiques dating from before 1947 will need an EU certificate.
- **Any new manufacture is prohibited** since the CITES Management Authorities no longer have the possibility of issuing CITES documents for newly manufactured instruments and bows containing ivory.
- **The manufacture of new musical instruments or bows containing ivory is therefore now prohibited.**

Note: the effective date of January 19, 2022 is the date beyond which it is no longer possible to make new instruments with ivory even if this ivory dates from before 1975.

- **The repair and restoration of old instruments with ivory is possible**, if the instruments in question contain ivory dating from before 1975
- The sale of pre-1975 musical instruments containing ivory is permitted if the musical instrument containing ivory legally acquired before 1975 is, or was until recently, used by a performer and is not is therefore not merely a decorative object. **Repair and restoration are possible but subject to authorization and permits.**

Pernambuco

Since 09/13/2007, pernambuco wood is classified in Appendix II annotation #10.

This annotation was revised at COP19 in 2022 with an effective date of February 23, 2023 and concerns: All parts, products and finished products, except finished musical instruments, accessories for musical instruments finished and re-exported parts of finished musical instruments.

This means that exports from Brazil of all pernambuco specimens require a CITES permit including finished bows. Outside of Brazil only wood, finished and unfinished parts require a CITES permit. Finished bows are not subject to permit.

Some species are regulated by national laws.

Some countries like the USA, for example, require permits issued by the U.S. Fish and Wildlife Service for trade in species such as abalone (mother of pearl), tortoiseshell, walrus ivory, etc.

It is therefore advisable to inquire with the country of export or import to find out whether the species contained in your musical instrument or accessory is subject to national law.

Notion of expertise and dating

If you do not have an invoice or a document certifying the age and/or the identification of the regulated species contained in the product being traded, it will be necessary to carry out either an expertise with an expert luthier - if it is a finished product - or a dating method - if it is an unfinished part of the species - with a laboratory sworn for this type of analysis. **Attention**, for Appendix I, you will also have to prove that the specimen was introduced in the EU before the first date of listing of the species in CITES.

Your CITES contacts

Find the CITES Management Authority in your country:

<https://cites.org/eng/disc/parties/chronolo.php>

example wood and wood products

with the recommended and sometimes **required** indications for trade **to and within the EU**

To sell or buy timber or a timber product to or within the EU, it is imperative to check the presence of certain information on the invoice, regardless of the seller and regardless of the buyer.

This information is recommended regardless of the wood, whether it is regulated or not, whether it is in its raw, semi-processed or musical instrument form.

In addition, organizations other than CITES regulate the timber trade, in Europe and internationally, so it is important that trade in woodwinds and wooden musical instruments is always accompanied by an invoice in due form ! The need to set up timber traceability is a major issue given the regulations that are constantly changing and accumulating.

INVOICE DATE: March 01, 2023

Sample Description

Headplate :
macassar ebony - diospyros celebica
Native country : *Indonesia*

Mention to appear

In all cases :

1 - Tropical wood or not, CITES or not : the common name, the full botanical name of the genus and species and the native country

In addition to point 1 and depending on the case :

2 - CITES Specimen Appendix I

A CITES permit will be required for this purchase or sale transaction, inside or outside the EU.

Mention: "Appendix I CITES"

If the specimen for sale has already required an import permit (case outside the EU to the EU) or a ICC within the EU, mention the permit or ICC number and accompany the invoice with a copy of the permit import or the original ICC.

Otherwise and if importing to the EU or exporting from the EU, prove that the specimen was introduced into the EU before the 1st listing of the species (see example of rosewood from rio page 6).

APPENDIX I CITES

Import permit number or CITES
ICC number

3 - CITES Specimen Appendix III (ou III)

If the specimen is covered by the annotation or if there is no annotation: a CITES permit will be required for this purchase or sale transaction only if importing into or exporting from the EU. No need for a CITES permit within the EU.

Mention : "ANNEX II or III CITES + annotation if existing"

If the specimen to be sold has already required an import permit, mention **the permit number**

APPENDIX II CITES Annotation
#6

Number import permit CITES

Some examples of annotations that accompany wood species inscriptions

See table on page 3 for annotations accompanying the species used in the musical instruments

→ Annotation #4

All parts and products are subject to CITES permits, except seeds, spores, pollen, in vitro cultures, cut flowers from artificially reproduced plants.

→ Annotation #5

Are subject to CITES permits, **logs, sawn wood and veneer sheets.**

→ Annotation #6

Are subject to CITES permits, **logs, sawn wood, veneer sheets and plywood**

→ Annotation #10

Are subject to CITES permits, **all parts, derivatives and finished products, except re-export of finished musical instruments, finished musical instrument accessories and finished musical instrument parts.**

→ Annotation #15

Are subject to CITES permits, **all parts and derivatives are included, except:**

- a) leaves, flowers, pollen, fruit, and seeds;
- b) finished products to a maximum weight of wood of the listed species of up to 10 kg per shipment;
- c) **finished musical instruments, finished musical instrument parts and finished musical instrument accessories;**
- d) parts and derivatives of *Dalbergia cochinchinensis* which are covered by Annotation #4;
- e) parts and derivatives of *Dalbergia* spp. originating and exported from Mexico which are covered by Annotation #6.

→ Annotation #17

Are subject to CITES permits, **logs, sawn wood, veneer sheets, plywood and transformed wood**

Transformed wood: Defined by Harmonized System code 44.09: Wood (including strips, friezes for parquet flooring, ~~not assembled~~), ~~continuously shaped (tongued, grooved, v-jointed, beaded or the like) along any edges,~~ ends or faces, whether or not planed, sanded or end-jointed.

Harmonized System customs codes: logs (44.03), sawn wood (44.06, 44.07), veneer sheets (44.08), plywood (44.12), transformed wood (44.09) finished musical instruments (92.01 - 92.02 - 92.06 - 92.07 - 92.08 - 97.05 - 97.06), parts of finished musical instruments (92.09...) and accessories of finished musical instruments (92.09...)

Contact : jcarbonneaux@csfi-musique.fr

To know the botanical (scientific) name of a species from the common name :

- [Wood-database](#)

To know the health status of a species from the botanical name :

- [Website of the IUCN Red List](#)

To find out if a species is listed in one of the three CITES Appendices :

- [Species+](#)

Harmonized System customs codes : [système harmonisé](#)

The official website of CITES → [CITES](#)

Contact the CITES authority in your country → [CITES](#)