

# Questions and Answers: Recent Changes to CITES Rosewood Protections

December 21, 2016

Dear Stakeholder:

This document includes responses to certain questions we have received over the past several weeks relating to recent changes in the protected status of rosewood stemming from the 17<sup>th</sup> meeting of the Conference of the Parties (CoP17) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) held in South Africa. For a detailed explanation of what changes have occurred, please see our online letter of November 17, 2016, at <https://www.fws.gov/international/pdf/letter-appendix-ii-timber-listings-november-2016.pdf>.

We also encourage you to view the informational webinars recently hosted by the International Wood Products Association (IWPA) and League of American Orchestras (LAO) on this topic, which are available online. The webinars covered critical updates and provided guidance on how to comply with the laws that regulate international trade in wildlife and plants. We are grateful to IWPA and LAO for providing us with these opportunities to connect with stakeholders on this important topic, and for recording and posting of the webinars.

- To view the International Wood Products Association webinar, which features guidance for commercial timber and wood products traders, please visit the following URL: <https://attendee.gotowebinar.com/recording/825012870722049>
- To view the League of American Orchestras webinar, which features guidance for traveling musicians, please visit the following URL: <https://1sourceevents.adobeconnect.com/p9505cbidb6/>

If you have a question that is not addressed in the webinars, in this document, or in the above-referenced letter, please contact us at [managementauthority@fws.gov](mailto:managementauthority@fws.gov). We aim to respond within one business week; however, developing answers may take interagency or international collaboration and research, and due to the high volume of inquiries we have received, our response time may be delayed. We appreciate your patience and consideration while we continue to develop guidance. We will reply at our earliest opportunity.

Thank you for your interest and for complying with the laws and procedures that protect wildlife and plants.

U.S. Fish and Wildlife Service  
International Affairs Program  
Division of Management Authority  
1-800-358-2104  
[managementauthority@fws.gov](mailto:managementauthority@fws.gov)  
<http://www.fws.gov/international/>

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## Updates:

February 24, 2017

Import guidance for shipments from Indonesia and India (question 45, page 15)

March 3, 2017

Warranty repairs (question 47, page 16)

## General Inquiries

### 1. What changes to rosewood protections under CITES have been made?

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 listing of the *Dalbergia* genus means that all species of *Dalbergia* are now included in the CITES Appendices. 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.

Additional explanation regarding the annotations can be found at:

<https://www.fws.gov/international/pdf/letter-appendix-ii-timber-listings-november-2016.pdf>.

## **2. Is there a plan to move to electronic signatures for CITES paperwork?**

The Parties to CITES, including the United States through the U.S. Fish and Wildlife Service (FWS), are currently working to develop electronic permitting, but have not put such a system into effect at this time. There is currently no estimated date that an electronic permitting system or electronic signatures will be in place.

## **3. How long will permit application processing generally take?**

FWS will process permit applications as quickly as possible, but we can give no guarantees on the processing time. Please note, however, that we are anticipating a significant increase in permit applications due to these listings and that we typically have approximately 600 application requests pending at any given time. Permit applications are typically processed within 45 to 60 days, depending on the complexity of the application and the completeness of the information provided.

## **4. What ports may be used for import, export, and re-export?**

Shipments that contain only CITES-listed plants and plant material must be imported and exported through a port designated in [50 CFR 24.12](#) for the import and export of CITES-listed plant material.

Contact information for USDA designated ports can be found at:

[https://www.aphis.usda.gov/import\\_export/plants/manuals/ports/downloads/cites.pdf](https://www.aphis.usda.gov/import_export/plants/manuals/ports/downloads/cites.pdf).

The USDA Port Offices do not have the authority to arbitrarily allow trade through non-designated ports.

Items that include both CITES-listed plant material and any wildlife material, including non-protected species such as mother-of-pearl, must be inspected and cleared by FWS Office of Law Enforcement. A list of FWS designated ports can be found at <https://www.fws.gov/le/designated-ports.html>.

Please note, cow bone (*Bos taurus*) is not considered wildlife and is not subject to FWS inspection, clearance, or port requirements.

## **5. Will FWS be posting guidelines for end consumers, so manufacturers do not have to offer legal advice?**

FWS is working to develop guidance for all rosewood stakeholders. Stakeholders are encouraged to contact us at [managementauthority@fws.gov](mailto:managementauthority@fws.gov) with additional questions.

## Effective Date

### **6. Will FWS accept permit applications in advance of the implementation date?**

Yes, we are accepting and processing applications now. Please be aware that there will probably be a large number of requests received up to and beyond January 2. We ask for your patience as we work through our application workload.

### **7. How will shipments in transit on or before the effective date be treated on import to the United States on or after the effective date?**

Beginning January 2, 2017, imports into the United States of items that do not qualify for the exemptions under these listings 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.

Shipments of CITES-listed rosewood arriving at a U.S. port on or after January 2, 2017, without the required CITES documents may be held and seized or refused clearance, depending on the outcome of further discussion with the exporting or re-exporting country. For such shipments, the U.S. Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS) will refer the matter to FWS, in our role as the U.S. CITES Management Authority, which will communicate with the CITES Management Authority of the exporting/re-exporting country to determine whether a CITES document may be issued retrospectively. Please be aware, however, that depending on the facts of the case, the exporting country may be unwilling to issue such a document or the United States may be unable to accept such a document.

### **8. We have spoken with foreign contacts who feel they will receive a stay from the January 2nd deadline. Is this possible?**

No, beginning January 2, 2017, imports into the United States of items that do not qualify for the exemptions outlined in the annotations 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.

### **9. In the interim period, will it be possible for paperwork to be sent to “catch up” with shipments at the destination port?**

CITES documents issued after a shipment leaves the exporting/re-exporting country are considered retrospectively issued documents. While it may be possible to accept such retrospectively issued documents, there must be prior consultation between the CITES Management Authorities of the importing and the exporting/re-exporting countries on the basis for issuing such a document and whether the issuance is in compliance with CITES. For imports into the United States, we recommend that you contact FWS prior to requesting retrospective documents from the exporting/re-exporting country.

# Guidance for Commercial Timber and Wood Products Traders

For an overview of critical topics, please view the International Wood Products Association webinar, which features guidance for commercial timber and wood products traders, available from the following URL: <https://attendee.gotowebinar.com/recording/825012870722049>

## Permit and Documentation Requirements

### 10. How do I apply for a permit to import CITES-listed timber and wood products?

You need an import permit from our office for import only if the species is listed in Appendix I and the specimen in trade is not pre-Convention. Pre-Convention specimens do not require CITES import permits from the United States. Please note that some countries, mostly notably the European Union countries, have enacted stricter domestic regulations that require the issuance of an import permit for pre-Convention specimens.

You do, however, need a permit from the country of export/re-export. Contact information for foreign CITES offices is available at <https://cites.org/eng/cms/index.php/component/cp>.

Reminders:

- The CITES permit must be endorsed by the foreign country prior to export/ re-export
- The original CITES permit must travel with the shipment (make copies before shipping)
- The shipment and CITES permit must be cleared upon import at a CITES Designated Port by the appropriate inspection agency (please see question 4 above for details).
- Keep a copy of the cleared permit and all related documentation in a permanent file
- Be sure to provide a copy of the permit to future owners

### 11. How do I apply for a permit to export/ re-export timber and wood products?

Please submit application form [3-200-32](#), available from <https://www.fws.gov/forms/3-200-32.pdf>. Instructions are on the form. Indicate on your application whether you are applying for a single use permit, or a Master File (see more information on Master Files below).

If you are applying for a single use permit, be prepared to respond to all application questions and provide the following information and documentation:

- Scientific name (genus and species) and common name of each species contained in the shipment and within each product within the shipment
- Description of items (e.g., logs, sawn wood, guitars, other instruments)
- For timber, volume of each species in shipment in cubic meters
- For products, volume of each species in cubic meters contained in each product
- Evidence of lawful acquisition
- Evidence of lawful import if relevant (cleared CITES permit, U.S. Customs import declaration)
- Provide the current location of the timber or products, including address and country
- Provide the country of origin of the wood.

If you are applying for a master file, be prepared to respond to all application questions and provide the following information and documentation:

- Scientific name (genus, and species) and common name
- Description of items (e.g. lumber, sawn wood, guitars, other instruments)
- Volume of each species in cubic meters overall for entire inventory
- Helpful to include approximate volume in cubic meters for each product part (fretboard, neck, body, etc.)
- Combination of species typically contained in each instrument
- Evidence of lawful acquisition, including date of acquisition and corresponding documentation or other information on how the instrument was acquired (e.g., bill of sale)
- Evidence of lawful import if relevant (cleared CITES permit, U.S. Customs import declaration) Form 3-200-74 is used to request partially completed CITES documents based on an established Master File. This form is available from <https://www.fws.gov/forms/3-200-74.pdf>.

Partially completed CITES documents issued off of a Master File are valid for 6 months. Please note that the period of validity for a CITES document (permit / certificate) differs from the period of validity of a Master File.

Reminders:

Check with CITES Authorities in countries to which you will be shipping to ensure that you are complying with their requirements (<http://www.cites.org/cms/index.php/component/cp>).

Remember to contact partner offices and agencies for guidance on their procedures, such as inspections and clearance at the port. Additional permits may be required for wood and lumber, and a Protected Plant Permit issued by USDA is required for trading in CITES regulated plants and plant products for gain or profit.

## **12. What does a CITES document look like?**

Although there may be some differences among the CITES Parties, the standard CITES form looks like this: <https://cites.org/sites/default/files/eng/res/12/E-Res-12-03R16-A2.pdf>.

## **13. Regarding Appendix-II species, are these species regulated for export only and not for import? For example, as the exporter, I would be required to obtain permits to export the purchased item, but would my customer in a different country be required to obtain a permit to import the purchased item?**

Under CITES, trade in species listed in Appendix II only requires the issuance of a document for export/re-export. However, some countries, most notably the European Union countries, have enacted stricter domestic measures that include additional requirements beyond what is required under CITES. One of those requirements, as is the case with the European Union, may be the issuance of an import permit for imports of Appendix-II species. Please contact the CITES Management Authority of the importing country to determine any such requirements.

**14. We are a factory for guitars. We have stock of Indian Rosewood, or Sonokeling (*Dalbergia latifolia*). Must we consider these species under CITES now?**

Because the entire genus *Dalbergia* is now listed in the CITES Appendices, *Dalbergia latifolia* will also be listed in CITES Appendix II effective January 2, 2017. Only Brazilian rosewood (*D. nigra*) is listed in CITES Appendix I.

**15. For commercial re-export, what kind of documentation is needed to show that the product (e.g., lumber or finished product containing rosewood) was obtained legally before the listing date?**

When applying for a CITES re-export certificate for products or wood that were imported on or after January 2, 2017, the applicant must provide a copy of the CITES document that was presented at the time of importation into the United States, as well as documentation showing the “chain of custody” (e.g., invoices between all parties involved in the domestic sale of the product or wood). Without this documentation, FWS will not be able to issue the required re-export certificate. It is paramount that the individual or business re-exporting the products obtain a copy of all CITES documents.

Some species of *Dalbergia* were listed in Appendix II or III prior to January 2, 2017. For the re-export of wood from these species, a CITES export permit or re-export certificate must have been presented to USDA/APHIS at the time of import. A copy of these CITES documents is required to obtain a re-export certificate.

Because finished products of the previously listed *Dalbergia* species were not covered under CITES, there would be no CITES document for products that were imported prior to January 2, 2017. Therefore, the re-exporter should provide documentation showing the chain of custody only.

**16. What about the stock I already have? Is it pre-Convention? How do I document stock that I already have to make sure it will be considered pre-Convention?**

As outlined in our letter of November 17, 2016 (which can be accessed here <https://www.fws.gov/international/pdf/letter-appendix-II-timber-listings-november-2016.pdf>), a number of species and populations of *Dalbergia* spp. were already listed in the CITES Appendices.

However, except for the Panamanian populations of *Dalbergia darienensis*, all previously listed species/populations of *Dalbergia* spp. included in Appendix II or Appendix III cover only “logs, sawn wood and veneer sheets,” or “logs, sawn wood, veneer sheets and plywood.” The listing of Panama’s population of *Dalbergia darienensis* includes an annotation that exempts “finished products packaged and ready for retail trade.”

Because the pre-CoP17 Appendix II/III listings of *Dalbergia* spp. do not cover manufactured items such as guitars, those items will not be subject to CITES controls until January 2, 2017. We intend to consider manufactured items made from any species of *Dalbergia* spp., except for the Appendix-I listed Brazilian rosewood (*D. nigra*), that were manufactured before January 2, 2017, as pre-Convention specimens. Furthermore, manufactured items made after January 2, 2017, from pre-Convention wood would also be considered pre-Convention.

If your trade involves CITES-listed commodities (e.g., logs, sawn wood, veneer sheets) of the previously listed species/populations, any pre-Convention date will be determined by the earliest listing date of the species or population in the CITES Appendices, as outlined in our November 17 letter.

If you have a stock of wood that was imported before January 2, 2017, you will need to document the quantity of wood for each species that you maintain. If the wood was imported as Appendix II or III wood before January 2, 2017, there was a CITES document associated with the wood, and you need to keep that wood stock separated from other stock if you intend to re-export that wood as logs, sawn wood or veneer sheets. If you have items that were manufactured before January 2, 2017, you should maintain an inventory of those items, either as whole pieces (e.g., guitars) and the species of wood used to manufacture each piece or as an inventory of the quantity of each species of wood used to manufacture the piece (e.g., .002 m<sup>3</sup> of *D. latifolia* contained in 200 guitars).

**17. For question 5 in Part I of application form 3-200-32, which asks about the current location of the specimens, do we need to apply for each distribution warehouse or just the HQ?**

If the products to be re-exported are in various distribution warehouses around the country, each warehouse should be identified. This information is necessary because the shipments may be exported from the United States through different ports, which may have different logistical procedures. Having this information will allow FWS to notify you of any differences in protocols of which you should be aware.

**18. For question 10 of Part II on application form 3-200-32, do we need an export or re-export permit from our factory in China to proceed with the application?**

Yes. For FWS to issue a re-export certificate, we must see the CITES document under which the product was imported into the United States, if the import required a CITES document. Without this document from China, we are not able to authorize subsequent re-exports.

**19. If we already have a Fish & Wildlife import permit, do we need a new permit or will the one we have suffice?**

Any commercial import/export activities involving wildlife species requires the prior issuance of an Import/Export License by the FWS Office of Law Enforcement. If this question is in reference to your Import/Export License, please note that a FWS Import/Export License is not required for plants, wood or wood products. You must obtain a Protected Plant Permit from USDA before conducting any commercial import or export activities with CITES-listed plant species.

Please contact USDA/APHIS to determine their requirements <http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport> or call the USDA/APHIS Plant Protection and Quarantine office for guidance: (301) 851-2046.

The Protected Plant Permit is separate from any CITES document and does not replace the CITES permitting requirements.

**20. What information should U.S. manufacturers supply to U.S. retail customers who may then want to resell outside of the United States?**

When applying for a CITES re-export certificate, the applicant must provide information about the product to be re-exported. The information required, which should be provided by the U.S. manufacturer,

includes, but may not be limited to, when the wood was imported, a copy of the CITES document used to import the wood (if imported under a CITES document prior to January 2 or for all wood imported after January 2), the species of wood contained in the product, and the date of manufacture. In addition, information pertaining to the “chain of custody,” such as invoices between all parties involved in the domestic sale of the product (e.g., manufacturer to “middle man,” “middle man” to retail customer), should be provided.

**21. Would it be OK if the “typical” quantity on a guitar is a “not to exceed” quantity, in order to have one quantity that covers differing models, which have slightly varying quantities of rosewood (the differences may be in the 10,000ths of m<sup>3</sup>, i.e. 0.0002173, 0.0002576, etc.)?**

In most cases this would be acceptable, provided the variation in quantity is very small as described.

**22. Do I need a CITES document for a commercial transaction for a single instrument even if the instrument has under 10 kg of *Dalbergia* spp.?**

Yes, under this scenario, you will need a CITES document. The 10 kg exception is only for non-commercial shipments.

**23. Would a Certificate of Registration be sufficient for traveling to a trade show with a musical instrument?**

A Certificate of Registration is not a CITES document and would not replace any CITES permitting requirement. However, a Certificate of Registration may be evidence that an item meets an exception to the CITES listing. FWS issues Traveling Exhibition Certificates that allow for re-export and subsequent import of CITES specimens for trade shows. This document identifies the specimens being re-exported and would require the return to the United States of all of the listed specimens - none of instruments could be sold while outside the United States. Likewise, if you already have an ATA Carnet for the shipment, a CITES document may be issued based on this document and would also allow for the re-export and subsequent import of all of the CITES-listed specimens.

**24. How are retailers who deal mainly in finished goods and may not have any paperwork or information at all about the products used in the construction of their products supposed to meet the requirements? Are we dependent on the manufacturer or wholesaler to provide this information?**

For pre-Convention (see the section below on pre-Convention for more information) manufactured items of the Appendix-II species of *Dalbergia* spp., including guitars where the species cannot be identified but it is not Brazilian rosewood (*D. nigra*), the United States intends to issue and accept CITES pre-Convention certificates noting the scientific name as “*Dalbergia* spp.” This means that for a pre-Convention guitar where you do not know the species, as long as it is not Brazilian rosewood (*Dalbergia nigra*), we may issue a CITES pre-Convention certificate at the genus level. Retailers should ask for documentation from manufacturers regarding the species included in their instruments and any documentation that demonstrates that the material was lawfully imported.

## Master Files

### **25. What is a “Master File” and when is that relevant?**

FWS has established a “Master File” system where exporters may request evaluation of their entire existing inventory and, if approved, receive multiple, partially completed CITES permits to allow multiple shipments from that inventory to be exported for up to three years.

Each partially completed CITES permit may be used to export one shipment. The partially completed permit includes the exporter’s name, the species being exported, and a description of the timber or product.

The importer’s name, the quantity (in cubic meters) of specimens within the shipment, and other details would be added by the exporter and verified by the appropriate Inspector upon inspection and clearance at the port.

To apply for a Master File, please submit application form 3-200-32, available from <https://www.fws.gov/forms/3-200-32.pdf>, along with the \$200.00 processing fee. Instructions are on the form. Indicate on your application that you are applying for a Master File. See question 11 above for additional guidance on documentation requirements.

Form 3-200-74 is used to request partially completed CITES documents based on an established Master File. This form is available from <https://www.fws.gov/forms/3-200-74.pdf>.

Partially completed CITES documents issued off of a Master File are valid for 6 months. Please note that the period of validity for a CITES document (permit / certificate) differs from the period of validity of a Master File.

### **26. Is a separate permit required for each item or shipment, or may an exporter apply for a permit to export certain items for a certain period of time?**

A CITES document is required for each export, not each item. So regardless of whether a shipment comprises one item or 1,000 items, only one CITES document that covers all items in the shipment is required for that shipment. A re-exporter may establish a Master File that would allow for the issuance of a number of partially completed CITES documents, which gives the re-exporter the ability to have a CITES document in hand to re-export some products.

### **27. How will the Master File work if a manufacturer has inventory of both finished products and wood components?**

We may be able to include both the finished products and wood components on the same permit. We would need to work with the individual re-exporter to develop a permit that meets the needs of the applicant and FWS.

**28. Will FWS issue a single Master File for multiple species?**

Yes, under specific circumstances, FWS can issue a single Master File for multiple species. Please contact FWS to discuss the specific case so that we can work with you to develop a permit that meets the needs of the applicant and FWS.

**29. Can raw materials from multiple species be consolidated onto one permit?**

Yes, but each species must be identified and accounted for on the permit. Some products will be manufactured from several CITES-listed species. FWS has the ability to include all of these species on the permit. Please contact FWS to discuss the specific case so that we can work with you to develop a permit that meets the needs of the applicant and FWS.

**30. May guitars with pre-Convention wood be shipped on the same Master File with post-Convention wood?**

Yes, but the pre- and post-Convention CITES-listed species used to manufacture each guitar would need to be identified on the face of the CITES document. Please be sure to clarify this point when you apply for a Master File.

**31. Once the species are listed in Appendix II, will each shipment sent out of the United States containing products made from *Dalbergia* or bubinga require an individual CITES document?**

Yes. It is possible to establish a Master File that would allow for the issuance of a number of partially completed CITES documents, to expedite the exporting process.

Form 3-200-74 is used to request partially completed CITES documents based on an established Master File. This form is available from <https://www.fws.gov/forms/3-200-74.pdf>.

Partially completed CITES documents issued off of a Master File are valid for 6 months. Please note that the period of validity for a CITES document (permit / certificate) differs from the period of validity of a Master File.

You should look at your past export activities and estimate the number of exports, each of which would now require a CITES document, that you believe are likely to occur in the next 4-5 months. This is the number of documents you should request when establishing your Master File.

At this time, each partially completed document is \$5 and would cover the complete shipment.

**32. We build bass guitars with rosewood. We can identify fingerboards and how much wood we use to create them so that they can be added to our Master File, but how do I determine the amount of wood used for other parts of the instrument which might not be a specific size (i.e. pickup covers, ramps, etc.)?**

This may be difficult for some manufacturers, particularly if you manufacture a limited number of guitars. When establishing a Master File, we will work with the applicant to determine the best way to represent the product and the wood used to manufacture the product on the face of the CITES documents. We have determined that the easiest way to identify a number of guitars manufactured with a number of CITES-listed species is to identify the volume of wood, typically in m<sup>3</sup> (cubic meters). We may be able to identify the number of guitars being exported, but would become difficult if each guitar is manufactured with a number of different species. We will work with each applicant to determine the best way to proceed.

**33. Will we need to list on a Master File and/or single use permit each serial number for the guitars we would like to export, or may we simply list a quantity (e.g., 2.5 m<sup>3</sup> = 10,000 guitars to use as the material balance in the process, similar to the question above)?**

For the most part, in regards to master files, we will not include serial numbers of the instruments on the face of the CITES document, nor give the re-exporter a place to include the serial number on the CITES document used to ship the instruments.

We would recommend, however, that you maintain a database of the serial numbers of instruments that were exported and the CITES document number (each document has a unique identifier or permit number) in case you need to demonstrate when an instrument was exported from the United States.

**34. Do instrument makers who use CITES-listed wood need to have documentation of where they acquired their wood — and that they're from legally harvested timber?**

Under CITES, FWS must determine that the wood was legally obtained before we can issue a CITES document. Documentation for wood that was imported well before the species were listed in the CITES Appendices may be hard to obtain. Likewise, wood that was imported many years ago and has been sold or given to someone other than the original importer may be difficult to document. We will work with the applicant to determine appropriate documentation to show that wood imported before January 2, 2017, was legally obtained. However, any wood imported after January 2 must be accompanied by a CITES document. A copy of this document must be presented to FWS when applying for CITES documents in order to show that the wood was legally imported.

**35. I use pieces of old and broken guitars to build new instruments. What information do I need or how can I most help my customers with future travel or help myself with international sales?**

For old or broken guitars that were manufactured before January 1, 2017, you should provide as much documentation on the origin of the guitar as possible. If you have a current inventory of guitars that was acquired before the new CITES listings go into effect (i.e., January 2, 2017), we would recommend documenting this inventory with photographs with date stamps or via a spreadsheet. For guitars obtained after the listing date, you should maintain as much documentation as possible to demonstrate that the guitars were made before January 2, 2017. If you apply for a CITES document to export guitars, this information will be necessary to document the legal origin of the material used.

## Pre-Convention

### **36. What is the exact definition of Pre-Convention?**

The term “pre-Convention” refers to an item or specimen that was acquired (removed from the wild or born or propagated in a controlled environment) before the date that the species was first listed in any CITES Appendix. Any specimen acquired prior to that CITES-listing date is considered a “pre-Convention” specimen.

### **37. Is the material in route to the United States prior to January 2 considered pre-Convention?**

Any wood that was removed from the wild prior to January 2, 2017, and is not otherwise subject to a previous CITES Appendix-II or -III listing would be considered pre-Convention. In addition, products manufactured from such wood would be considered pre-Convention. Provided the shipment on the water left the country of origin of the wood or the country of last re-export prior to January 2, 2017, the wood would be considered pre-Convention.

However, because the effective date of the new listings is January 2, 2017, any shipment of CITES-listed rosewood imported into or (re-)exported from a country on or after that date must be accompanied by the appropriate CITES document, including a pre-Convention certificate, if relevant.

### **38. For rosewood species that were already included in Appendix II with annotations, does the new listing replace the annotations? And if so, are the stockpiles of wood that were received after the original listing date but before January 2, 2017, now considered Pre-Convention?**

The new listing of the genus *Dalbergia* spp. in Appendix II replaces the previous Appendix-II and -III listings of *Dalbergia* species/populations in the CITES Appendices. Any stockpiles of CITES-listed rosewood acquired after the species/population was listed in the CITES Appendices for the first time are not considered pre-Convention.

### **39. I use wood that was imported into the United States before the CITES listing went into effect. In other words, I have pre-Convention wood. How much is the permit application fee for pre-Convention certificates? Will I as the manufacturer or my customers (musicians) need to apply for these certificates?**

The permit application fee for a pre-Convention certificate is currently \$75 for one-time shipment or \$200 to establish a Master File and \$5 for each partially completed CITES document issued off of the Master File. If you are sending instruments that you manufactured to clients outside the United States (i.e., commercial export), you must obtain a pre-Convention certificate for each shipment. If you sell instruments domestically (within the United States), no CITES documents are required. Likewise, musicians traveling abroad with their instruments as accompanying personal baggage do not require a CITES document if the instrument contains less than 10 kg (22 lbs) of CITES-listed rosewood, excluding Brazilian rosewood (*Dalbergia nigra*). Instruments that contain more than 10 kg of CITES-listed wood, again excluding Brazilian rosewood, may qualify as a personal effect under CITES and may not require a CITES document. Please consult with the CITES Management Authorities of both origin and destination countries to determine if they implement these requirements similarly.

## Miscellaneous

**40. Is there any correlation between the upcoming species that will be added to the CITES listings and recently detained shipments containing these species. Are we to expect detention issues with all species that are to be added but are not in effect currently?**

Any recent holds on shipments of the newly listed taxa upon import into the United States is not the result of these new listings. We will make every effort to assist with communication between the importer and the enforcement agency, but we also suggest that you work directly with the officials at the port where the shipment is being held.

**41. When shipments are detained, is there an expectation that the importer should be given timely information as to the status of the shipment?**

We suggest that you work directly with the officials at the port where the shipment is being held. You may also contact the U.S. CITES Management Authority ([managementauthority@fws.gov](mailto:managementauthority@fws.gov)) and we will make every effort to obtain additional information regarding the shipment and any circumstances regarding any hold placed on it.

**42. With all the various rules, Lacey Act, CITES, Endangered Species Act, etc. and all the various agencies needing separate paperwork, is there a shared filing system so paperwork goes from DHS/CBP to USDA/APHIS and FWS? Could you indicate how federal government agencies communicate about documents that are received from an importer?**

We appreciate that, in certain cases, legal requirements need to be met under more than one conservation law. There is not currently a shared system for filing paperwork with the various agencies responsible for implementing the several laws that could be implicated. However, we have worked to streamline clearance processes and expand the number of ports available for clearance. For example, for items that include both CITES-listed plant and animal specimens, USDA/APHIS and FWS have agreed that those items may be inspected and cleared by FWS, rather than by both agencies.

**43. I rarely sell my guitars outside the United States, but I have a customer coming to the United States to pick up a guitar in February. Will they be able to fly back to Japan with their instrument?**

If the individual travels to the United States and hand-carries the guitar, we will consider this a non-commercial activity and therefore not subject to the CITES listing for rosewood, not including Brazilian rosewood (*Dalbergia nigra*), which is listed in CITES Appendix I. Please advise your customer to confirm with the Japanese CITES Authorities that they share this interpretation. If they require that the guitar be accompanied by a CITES document, our office will be able to issue one, assuming that all legal requirements are met.

**44. My rosewood supplier in India is completely unprepared for the change. Given the impact on India's timber industry, and that *Dalbergia latifolia* is easily distinguished from threatened *Dalbergia* spp., has India taken a reservation to this listing?**

India was an active participant at CoP17. We do not have any information to indicate that India has taken a reservation on the listing or intends to do so.

**45. I understand that Indonesia and India have taken reservations to the listing of *Dalbergia* spp. in Appendix II. What does this mean and may we still import rosewood from those countries?**

Because the United States did not enter a reservation to the listing of *Dalbergia* spp. in Appendix II, we require that all shipments of CITES-listed *Dalbergia* spp. imported into the United States from a reserving country be accompanied by comparable documents that conform to the CITES requirements as well as the requirements outlined in [50 CFR 23.21](#).

CITES Parties may enter a reservation with regard to any species included in Appendix I or II, within 90 days after the meeting at which the relevant amendment to the Appendices was adopted. Until a Party withdraws its reservation, it will be treated as a country that is not a Party to CITES with respect to trade in the species for which it entered the reservation. However, under both CITES and U.S. regulations ([50 CFR 23.21](#)), a shipment between a reserving Party and a non-reserving Party must be accompanied by a valid CITES document, which in the case of trade under a reservation is referred to as a “comparable document.”

*Indonesia*

The Government of Indonesia has entered a reservation to the listing of *Dalbergia* spp. in Appendix II. However, Indonesia’s reservation is temporary and will be automatically withdrawn as of July 5, 2017. Until Indonesia’s reservation is withdrawn, it will issue comparable documents. We have confirmed that Indonesia’s comparable document meets both CITES requirements and requirements under our U.S. CITES implementing regulations. For more information on how to obtain such a document, please contact Indonesia’s CITES Management Authority. Contact information can be found in the National Contacts and Information section on the CITES website at: <https://cites.org/eng/cms/index.php/component/cp>.

*India*

The Government of India has also entered a reservation to the listing of *Dalbergia* spp. in Appendix II and has indicated that it will designate the Export Promotion Council for Handicrafts (EPCH) as the office responsible for issuing CITES comparable documents for exports of *Dalbergia* spp. We are still working with the Indian CITES authorities to ensure that their comparable document meets both CITES requirements and US CITES implementing regulations. We are working on this issue and we hope to have updated guidance soon.

*Declaration and Inspection*

All shipments of CITES-listed rosewood being imported into the United States must be accompanied by the required documents and must be declared and cleared by U.S. inspection authorities. You can find more information on the clearance procedures at Question 4, above.

**46. How will these changes affect the Lacey Act and submissions upon import?**

The new CITES listings are separate from the requirements under the Lacey Act.

**47. I'm shipping my instrument(s) to or from the United States for repairs that are covered by a warranty. Do I need a permit?**

If the repair is under warranty and the item is being returned directly to you after repairs are made, a permit may not be required. It depends on the species and quantity of wildlife and plants in your instruments and whether a fee is involved.

If the repair involves the payment of a fee, whether cash or in kind, a CITES document is required regardless of the quantity or volume involved. If you seek to import the instrument(s) from a foreign country, contact their [CITES office](#) to apply for a permit. If you seek to export the instrument(s) out of the United States, apply to our office for a permit. See Question 11 for guidance on applying for a permit. Review Question 4 for guidance on inspection and clearance procedures at the port of entry or exit. If a fee is not required, a permit may not be needed. Follow the steps below to determine whether a permit is needed.

*Step one: Determine the species of wood and wildlife in your shipment of instruments, and find out the scientific names of those species.*

If in doubt, ask the manufacturer or a [qualified appraiser](#) to help you determine what type of wildlife or wood you have. You may also be able to find the scientific name online. For guidance on determining the protected status under CITES and other laws of wildlife and plant species, visit our [webpage](#) on the topic.

If your instrument includes kosso (*Pterocarpus erinaceus*), Brazilian rosewood (*Dalbergia nigra*), [elephant ivory](#), tortoiseshell, or any species of CITES-listed or ESA-listed wildlife or wood other than CITES Appendix II-listed *Dalbergia* or *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii*, a permit is required regardless of the quantity involved. If you seek to import the instrument(s) from a foreign country, contact their [CITES office](#) to apply for a permit. If you seek to export the instrument(s) out of the United States, apply to our office for a permit. See Question 11 for guidance on applying for a permit. Review Question 4 for guidance on inspection and clearance procedures at the port of entry or exit.

If your instrument only contains CITES Appendix II-listed *Dalbergia* or *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii*, a permit may not be required. It depends on the weight of the rosewood in the shipment.

*Step two: Determine the weight of rosewood in the shipment.*

If the combined weight of the rosewood in the shipment is 10kg or greater, a CITES document will be required. If you seek to import the instrument(s) from a foreign country, contact their [CITES office](#) to apply for a permit. If you seek to export the instrument(s) out of the United States, apply to our office for a permit. See Question 11 for guidance on applying for a permit. Review Question 4 for guidance on inspection and clearance procedures at the port of entry or exit.

If the combined weight of the rosewood in the instruments in the shipment is less than 10kg (~22lbs), and the repair is under warranty or does not otherwise involve payment of a fee, then the shipment is not included in (exempt from) the CITES Appendix II listing and no CITES document would be required. However, we encourage you to contact the [CITES Management Authority](#) in the other country to ensure that they do not require a CITES document for the transaction. If the foreign country requires a permit and you seek to import the instrument(s) from a foreign country, contact their [CITES office](#) to apply for a

permit. If the foreign country requires a permit and you seek to export the instrument(s) out of the United States, apply to our office for a permit. See Question 11 for guidance on applying for a permit. Review Question 4 for guidance on inspection and clearance procedures at the port of entry or exit.

In order to fulfill its treaty responsibilities, FWS maintains discretion on a case-by-case basis to examine the facts and circumstances of the intended, as well as the actual use of the specimen to determine whether the trade is reasonably likely to result in economic use, gain, or benefit, including, but not limited to, profit (whether in cash or in kind), in which case a CITES document would be required.

Please note that any other applicable regulations or requirements of law continue to apply including inspection and clearance requirements. For example, if the item or items include wildlife, such as mother of pearl, ivory, reptile leather, etc., the regulations governing importation, exportation and transportation of wildlife ([50 CFR Part 14](#)) apply regardless of whether payment of a fee for the repair is involved. Review Question 4 for guidance on inspection and clearance procedures at the port of entry or exit.

## Guidance for Traveling Musicians

For an overview of critical topics, please view the League of American Orchestras' webinar, which features guidance for traveling musicians. The webinar is available at the following URL:  
<https://1sourceevents.adobeconnect.com/p9505cbidb6/>

## Permit Requirements for Individuals

### **48. Does my instrument need a permit when I travel with it? It does not have CITES listed wildlife components (i.e., elephant ivory, python skin), but it does have Appendix-II rosewood.**

This question relates to paragraph B of the new annotation for *Dalbergia* spp. and bubinga. Generally what this paragraph means is that if a specimen of the newly listed Appendix-II *Dalbergia* or bubinga is less than 10 kg and is traded for non-commercial purposes, it will not require a permit. The 10 kg threshold refers to the weight of the protected species within that instrument, not the instrument itself.

We believe that many instruments, such as guitars and violins, when imported or exported for noncommercial purposes such as personal travel or performance, will be excluded from the listing and thus exempt from the Appendix-II permit requirements, as the weight threshold will not be exceeded.

However, some instruments may contain more than 10 kg of the protected species, such as a double bass, a marimba, or certain drums—it depends on whether the individual instrument contains 10 kg or more of the protected species.

However, even if the Appendix-II *Dalbergia* or bubinga in an instrument is less than 10 kg, if it is being imported or exported for commercial purposes, such as sale, it must be accompanied by CITES documents.

Please see the questions and responses related to the personal effects exemption and CITES Musical Instrument Certificate below for more information.

**49. Please clarify the 10 kg rule? Is this with a case, without a case, or is it 10 kg of *Dalbergia*?**

Paragraph B of the new *Dalbergia* and bubinga annotation refers to the weight of those species in the specimen. This doesn't include the case, only the instrument, unless the case contains the protected species. And, it doesn't refer to the total weight of the instrument unless 100% of the instrument is Appendix-II *Dalbergia* and/or bubinga.

**50. We have heard that the weight limit applies to 10 kg total of multiple listed species, but we have also heard that the item containing the species cannot weigh more than 10 kg. Could you clarify?**

Any specimen, such as a musical instrument or piece of furniture, that contains more than 10 kg of the listed *Dalbergia* or bubinga species, including the combined weight of more than one species, would require a CITES document. The specimen itself could weigh more than 10 kg and not require a CITES document as long as the parts of the item that consist of the CITES-listed species do not weigh more than 10 kg.

**51. What about the instruments I already have? Are they pre-Convention? How do I document my instruments to make sure they will be considered pre-Convention?**

Because previous Appendix-II listings exempted manufactured items, any instrument manufactured prior to January 2, 2017, would be considered pre-Convention. However, for the Appendix-I listed Brazilian rosewood (*D. nigra*), the first listing date is June 11, 1992. Documentation from the manufacturer, such as the serial number of the instrument or a statement from the manufacturer, should be sufficient to document the age of the instrument.

**52. What is the personal effects exemption?**

Under CITES, the term "personal or household effects" means specimens that are personally owned and legally acquired, and worn, carried, or included in personal accompanying baggage or part of a household move. Generally speaking, items that meet this definition are exempt from CITES requirements. However, not all CITES Parties implement the personal effects exemption, so please be sure to check with the relevant CITES Authorities to determine if your item qualifies for the exemption. Please also note that, currently under U.S. regulations, species included in Appendix I do not qualify for the personal effects exemption. See below for additional discussion on this issue.

**53. What is a musical instrument certificate and how do I apply for one?**

A Musical Instrument Certificate is a passport-like certificate for musical instruments that is issued to individuals. To be eligible for this certificate, your primary residence must be in the United States. These certificates may be valid for up to three years and are intended for multiple border crossings for non-commercial purposes (i.e., the instruments are not being offered for sale or being sold while outside the United States).

Submit application 3-200-88 to our office along with the processing fee. The form is available from <https://www.fws.gov/forms/3-200-88.pdf>. Instructions are on the form.

## Sale and Purchase of Instruments by Individuals

### **54. Can I sell my instrument in another country when I'm traveling with a musical instrument certificate?**

No, Musical Instrument Certificates are intended for multiple border crossings for non-commercial purposes (i.e., the instruments are not being offered for sale or being sold while outside the United States), and the instrument must return to the country where the certificate was issued.

### **55. I want to sell an instrument to someone in another country. How do I do that?**

Before you export for sale an instrument made from protected wood or wildlife, you need to apply for and acquire a permit from our office.

Submit application 3-200-32 to our office along with the processing fee. The form is available from <https://www.fws.gov/forms/3-200-32.pdf>. Instructions are on the form.

Be prepared to respond to all application questions and provide the following information and documentation with the application:

- Scientific name (genus, and species) and common name
- Description of item (e.g., Rosewood guitar)
- Date of manufacture
- Evidence of lawful acquisition, including Date of acquisition and corresponding documentation or other information on how the instrument was acquired (e.g., bill of sale, notarized statement)
- Evidence of lawful import if relevant (CITES permit, U.S. Customs import declaration)
- The current location of the musical instrument(s) including address and country
- The country of origin for the wood

Shipments containing CITES-listed species must be declared, inspected and documents cleared (FWS) / validated (USDA) by the following:

- Wildlife - FWS: contact the Wildlife Inspector at the appropriate designated port (see <https://www.fws.gov/le/designated-ports.html>) to make an appointment for clearance of your shipment. Please review the Office of Law Enforcement's webpage on importing and exporting [commercial](#) wildlife shipments, and contact our wildlife inspectors if applicable.
- Products with wood and wildlife - FWS (this includes non-CITES wildlife such as mother-of-pearl): as described above.
- Wood and wood products (exports) - United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS).
- Wood and wood products (imports) - Department of Homeland Security, Customs and Border Protection (DHS/CBP).

Contact USDA/APHIS to determine their requirements at <http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport> or call the USDA/APHIS Plant Protection and Quarantine office for guidance: (301)851-2046.

Check with CITES authorities in the buyer's country to ensure that you are complying with their requirements: <http://www.cites.org/cms/index.php/component/cp>.

#### **56. I want to buy an instrument from someone in another country. How do I do that?**

You need a CITES import permit from our office only if the species is listed in CITES Appendix I and the specimen is not pre-Convention. Pre-Convention specimens do not require CITES import permits.

The exporter (foreign seller), however, needs a permit from the country of export/re-export, which should travel along with the instrument, and you'll want to be sure to keep a copy of the endorsed and validated permit in your permanent records. Contact information for foreign CITES offices is available from <https://cites.org/eng/cms/index.php/component/cp>.

Reminders:

- The exporter should have the CITES permit endorsed by the foreign country prior to export / re-export
- The original CITES permit must travel with the shipment (the exporter should make copies before shipping)
- The permit must be presented to the appropriate inspection agency upon import. Keep a copy of the cleared permit and all related documentation in a permanent file.
- Be sure to provide a copy of the permit to future owners
- Check with CITES authorities in the seller's country to ensure that you are complying with their requirements: <http://www.cites.org/cms/index.php/component/cp>

Shipments containing CITES-listed species must be declared, inspected and stamped by the following:

- Wildlife - FWS: contact the Wildlife Inspector at the appropriate designated port (see <https://www.fws.gov/le/designated-ports.html>) to make an appointment for clearance of your shipment. Please review the FWS Office of Law Enforcement's webpage on importing and exporting [commercial](#) wildlife shipments, and contact our wildlife inspectors if applicable.
- Products with wood and wildlife - FWS (this includes non-CITES wildlife such as mother-of-pearl): as described above.
- Wood and wood products (exports) - United States Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS).
- Wood and wood products (imports) - Department of Homeland Security, Customs and Border Protection (DHS/CBP).

Contact USDA/APHIS to determine their requirements at <http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport> or call the USDA/APHIS Plant Protection and Quarantine main office for guidance: (301)851-2046.

## Guidance for Orchestras and Ensembles

### **57. Does the 10 kg weight limit refer to the total Appendix-II material in the entire shipment or per instrument?**

With regard to traveling orchestras, ensembles and similar groups, although the total weight of all *Dalbergia* and/or bubinga associated with such groups will exceed 10 kg, we will not require such groups to include the Appendix-II listed *Dalbergia* or bubinga on the Musical Instrument Certificate or Traveling Exhibition Certificate, because the individual instruments would, if traveling separately, qualify for the exemption. However, if the volume of *Dalbergia* or bubinga in any individual instrument exceeds 10 kg, that instrument will have to be included on the CITES document. However, we note that some other CITES Parties may require such instruments to be included on the CITES document and, in those cases, we can include such instruments on the CITES documents that we issue. We are still consulting with countries that U.S. groups visit frequently to determine how they will interpret the new requirements. Brazilian rosewood (*D. nigra*) will continue to be included on those documents, as is currently required.

### **58. What is a traveling exhibition certificate and how can my orchestra or ensemble apply for one?**

A Traveling Exhibition Certificate is a passport-like certificate for musical instruments that is issued to orchestras, ensembles, and other groups. To be eligible for this certificate, the orchestra or ensemble must be based in the United States. These certificates may be valid for up to three years, and are intended for multiple border crossings for non-commercial purposes (so, the instruments are not being offered for sale or being sold while outside the United States).

Submit application 3-200-88 to our office along with the processing fee. The form is available from <https://www.fws.gov/forms/3-200-88.pdf>. Instructions are on the form.

### **59. Where the United States is concerned, will the treatment of non-commercial transportation of musical instruments (i.e., as personal effects or cargo) that contain Appendix-II *Dalbergia* for an orchestra or ensemble change in any way from current practice? Will these instruments need to be included on a Traveling Exhibition Certificate?**

As noted above, although the total weight of all *Dalbergia* and/or bubinga associated with such groups may exceed 10 kg, we will not require such groups to include the Appendix-II listed *Dalbergia* or bubinga on the Musical Instrument Certificate or Traveling Exhibition Certificate, because the individual instruments would, if traveling separately, qualify for the exemption. If the volume of *Dalbergia* or bubinga in any individual instrument exceeds 10 kg, that instrument will have to be included on the CITES document. However, we note that some other CITES Parties may require such instruments to be included on the CITES document and, in those cases, we can include such instruments on the CITES documents that we issue. We are still consulting with countries that U.S. groups visit frequently to determine how they will interpret the new requirements. Brazilian rosewood (*D. nigra*) will continue to be included on those documents, as is currently required. As we continue these consultations, we will provide updates regarding implementation of these listings to ensure that affected stakeholders are apprised of any changes to our practice.

**60. What administrative and/or regulatory steps would be required for the United States to adjust its personal effects exemption to encompass Appendix-I species in musical instruments?**

A change to our personal and household effects exemption would require a change to U.S. CITES-implementing regulations (50 CFR part 23). We strive to keep our regulations as up-to-date as possible. To that end, we expect to publish (in 2017) a proposed rule to incorporate relevant changes to CITES procedures, including those adopted at CoP17, and to address issues that have arisen since the regulations were last updated (in 2014). This rulemaking process will include an opportunity for public review and comment.

**61. Does FWS have advice regarding harmonizing the interpretation of the non-commercial annotation across CITES Parties?**

The United States is working both bilaterally with key CITES Parties as well as through the CITES Secretariat in an effort to ensure that the new listings are implemented similarly, to the greatest extent possible. The new annotation has also been referred to the CITES Standing Committee's Annotations Working Group, and the United States is an active member of that working group. However, changes to the annotation cannot be adopted until the next meeting of the Conference of the Parties, scheduled to be held in 2019.

**62. Do you have any insight about the impact of the COP17 Resolution entitled "Frequent cross-border non-commercial movements of musical instruments"?**

The United States worked closely with our CITES counterparts in other countries, and in particular our European counterparts, to make revisions to this Resolution Conf. 16.8 on *Frequent cross-border non-commercial movements of musical instruments* at CoP17. We will continue to encourage other CITES Parties to follow the recommendations in this Resolution and seek ways to streamline travel for musicians, orchestras and musical ensembles traveling with instruments that include CITES-listed species.