



NOTIFICATION TO THE PARTIES

No. 2017/078

Geneva, 21 December 2017

CONCERNING:

Agreed interim definitions of the terms used in paragraph b) of annotation #15 to the listing of *Dalbergia* spp., *Guibourtia demeusei*, *G. pellegriniana* and *G. tessmannii*

1. All CITES Parties are encouraged to use the interim definitions of the terms used in paragraph b) of annotation #15¹ to the listing in Appendix II of *Dalbergia* spp., *Guibourtia demeusei*, *G. pellegriniana* and *G. tessmannii* as agreed by the Standing Committee, at its 69th meeting (SC69, Geneva, November 2017). The listings came in to force on 2 January 2017 and the interim definitions contained in this , 2016) and 18th (CoP18; Colombo, 2019) meetings of the Conference of the Parties.

Background

2. Following the entry into force of the listing of *Dalbergia* spp., *Guibourtia demeusei*, *G. pellegriniana* and *G. tessmannii*, in Appendix II, many Parties and the Secretariat received questions from the regulated industries and individuals regarding the interpretation of annotation #15. The questions included the interpretation of the terms "non-commercial", "exports", and "total weight of 10 kg per shipment" in paragraph b) of the annotation.
3. Significant differences in the interpretation of these terms in paragraph b) of annotation #15 appeared among trading countries and were causing implementation difficulties for the Management Authorities, the regulated industries and other users of specimens of *Dalbergia* spp., *Guibourtia demeusei*, *G. pellegriniana* and *G. tessmannii*.
4. In these instances, Resolution Conf. 11.21 (Rev. CoP17) on [Use of annotation in Appendices I and II](#), in paragraph 8, directs:
 - a) *the Standing Committee, in consultation with the Animals Committee or the Plants Committee, to agree on interim definitions between meetings of the Conference of the Parties in cases where significant differences in the interpretation of terms in annotations exist among trading countries and are causing implementation difficulties, and then include these definitions in its report to the Conference of the Parties for adoption;*
 - b) *the Secretariat to issue a Notification to the Parties on any the interim definitions of terms in annotations agreed by the Standing Committee;*

¹ Annotation #15:

"All parts and derivatives are included, except:

- a) Leaves, flowers, pollen, fruits, 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."

5. Further to this mandate and in consultation with the Plants Committee, the Standing Committee agreed on the interim definitions of the terms used in paragraph b) of annotation #15 for the intersessional period between the CoP17 and CoP18, as follows:

Agreed interim definitions of terms used in Annotation #15

Regarding interpretation of the term "non-commercial"

The following transactions should be considered "non-commercial":

The cross-border movement of items (such as musical instruments) for purposes including, but not limited to, personal use, paid or unpaid performance, display, or competition (e.g., on a temporary exhibition); and when such cross-border movement will not lead to the sale of the item and the item is returned to the country where the item is normally held.

- The cross-border movement of an item (such as a musical instrument), for the purpose of being repaired, in view of the fact that the item will remain under the ownership of the same person and that such transport will not lead to the sale of the item. The return to the seller or manufacturer of a product under warranty after sale service should also be considered as a non-commercial transaction.
- The cross-border movement of a shipment containing multiple items sent for one of the above purposes (e.g. a shipment of musical instruments being jointly sent for the purpose of being repaired), provided that the individual portion of *Dalbergia/Guibourtia* species present in each item weighs less than 10 kg and would therefore, if traveling separately, qualify for the exemption;
- The loan of an item (such as a musical instrument) for exhibition in museums, competition or performance purposes.
- Cross-border movement for the purpose of trade shows and trade fairs should be considered as a commercial transaction.

Regarding interpretation of the term "10 kg per shipment"

For non-commercial transactions as outlined above, the 10 kg limit should be interpreted as referring to the weight of the individual portions of each item in the shipment made of wood of the species concerned. In other words, the 10 kg limit is to be assessed against the weight of the individual portions of wood of *Dalbergia/Guibourtia* species contained in each item of the shipment, rather than against the total weight of the shipment.

Regarding interpretation of the terms in paragraph b) of Annotation #15 in the case of orchestras, music ensembles and similar groups which travel with all instruments in the form of a "consolidated shipment"

The cross-border movement of musical instruments in a container, together with or prior to the travelling of the group, is considered as a "consolidated shipment". In such cases, the total weight of wood of *Dalbergia/Guibourtia* species in the instruments constituting the "consolidated shipment" is likely to exceed 10 kg. Such "consolidated shipment" should nonetheless not require a CITES document, considering that the individual portion of wood of *Dalbergia/Guibourtia* species present in each instrument weighs less than 10 kg and that the related instrument would therefore, if travelling separately, qualify for the exemption. However, if the weight of wood of *Dalbergia/Guibourtia* species subject to annotation #15 present in any individual instrument exceeds 10 kg, this specific instrument would require a CITES document. For clarification, musical instruments being shipped as a "consolidated shipment" and qualifying for this exemption should have a single importer or exporter and a single consignee or consignor.

Duration and purpose of the interim definitions for terms used in annotation #15:

6. These interim definitions are agreed for the exclusive purpose of interpreting certain terms in paragraph b) of annotation #15, and do not constitute a precedent for the interpretation of these terms in any other annotation, Decision or Resolution applying to any other specimen of a CITES-listed species.
7. Parties are encouraged to use these definitions during the intersessional period between CoP17 and CoP18.

Further guidance regarding identification of specimens at species or genus level on CITES permits and certificates

8. Specimens should, as far as possible, be identified at species level (e.g. *Dalbergia melanoxylon*) on CITES permits and certificates. However, in the absence of such information and in exceptional cases, specimens may be identified on CITES permits and certificates at genus level (*Dalbergia* spp.), in particular in the case of manufactured products containing pre-Convention specimens as per section XIV of Resolution Conf. 12.3 (Rev. CoP17). When the specimen is recorded at the genus level, it should be indicated on the documents that the specimens concerned do not contain wood of the species *Dalbergia nigra* when this is actually the case.