



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Washington, D.C. 20240



MAY 28 2013

In Reply Refer To:
FWS/DMA PLA 7-15

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

This letter is addressed to possible importers and re-exporters of wood and wood products of rosewood (*Dalbergia*) and ebony (*Diospyros*). We are posting this letter on our website at: <http://www.fws.gov/international/pdf/letter-rosewood-and-ebony-2013.pdf>. We have also provided copies to the International Wood Products Association (IWPA); the Hardwood, Plywood, and Veneer Association (HPVA); the International Society of Violin and Bow Makers (EILA); and the International Music Products Association (NAMM).

We wish to inform you that Madagascar's populations of *Dalbergia* spp. (Madagascan rosewoods) and *Diospyros* spp. (Madagascan ebonyes) were listed in Appendix II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) at the 16th meeting of the Conference of the Parties to CITES (CoP16), which was held in March 2013. These listings will regulate only logs, sawn wood, and veneer sheets made from *Dalbergia* and *Diospyros* trees harvested in Madagascar. The listings will not cover any other parts, derivatives, or products of these taxa made from trees harvested in Madagascar, nor will they cover logs, sawn wood, veneer sheets, or any other parts, derivatives, or products made from *Diospyros* trees harvested in any other country. It should also be noted that all of the newly listed Madagascan rosewoods and ebonyes are endemic to Madagascar except for one species of each: *Dalbergia bracteolata*, which is also found in Kenya, Mozambique, and Tanzania; and *Diospyros ferrea*, which is also found on the African continent and in India.

In addition to the above listings, all populations of four species of *Dalbergia* were listed in Appendix II of CITES at CoP16: *Dalbergia cochinchinensis* (Thailand rosewood), which is native to Cambodia, Laos, Thailand, and Viet Nam; and *Dalbergia granadillo* (Granadillo rosewood), *Dalbergia retusa* (black rosewood or cocobolo), and *Dalbergia stevensonii* (Honduras rosewood), which are native to the neotropic zone of Central America and Mexico. The listing of *Dalbergia cochinchinensis* will regulate only logs, sawn wood, and veneer sheets, whereas the listings of *Dalbergia granadillo*, *Dalbergia retusa*, and *Dalbergia stevensonii* regulate logs, sawn wood, veneer sheets, and plywood. All of the above referenced listings will become effective on June 12, 2013.

CITES is an international treaty that has been ratified by 178 countries since it first entered into force in 1975. Its aim is to prevent species from becoming endangered or extinct because of

international trade. CITES regulates international wildlife trade through a system of permits and certificates to ensure that trade in listed wildlife (including plants), including their parts, derivatives, and products, is legal and does not threaten the survival of the species. Species may be listed under CITES in one of three Appendices, each of which provides a different level of protection. Appendix I includes species threatened with extinction; international trade in these species is strictly regulated and commercial trade in them is largely prohibited. Appendix II includes species that, although currently not threatened with extinction, may become so without trade controls. Most CITES species, including those discussed in this letter, are listed in this Appendix. Appendix III includes species for which a range country is seeking the cooperation of other CITES member countries to help it better control international trade in the species.

With respect to the Appendix-II listings of Madagascar's populations of *Dalbergia* spp. and *Diospyros* spp., it should be noted that Madagascar originally listed these taxa in Appendix III on December 22, 2011, and that listing included logs, sawn wood, and veneer sheets. The Appendix-II listings of these taxa adopted at CoP16 will, on the effective date of June 12, 2013, result in the automatic deletion of the previous Appendix-III listings.

Regarding the Appendix-II listings of *Dalbergia retusa* and *Dalbergia stevensonii*, it should be noted that Guatemala originally listed its populations of these two species in Appendix III on February 12, 2008, and that listing included logs, sawn wood, and veneer sheets. Additionally, Panama listed its population of *Dalbergia retusa* in Appendix III on December 22, 2011, and that listing included all parts and derivatives except for seeds, pollen, and finished products packaged and ready for retail trade. The Appendix-II listings of *Dalbergia retusa* and *Dalbergia stevensonii* will, on the effective date of June 12, 2013, result in the automatic deletion of the previous Appendix-III listings.

o Imports of Madagascan *Dalbergia* spp. and *Diospyros* spp. into the United States

Beginning June 12, 2013, all shipments for import into the United States of logs, sawn wood, and veneer sheets from *Dalbergia* rosewood trees and *Diospyros* ebony trees that were harvested in Madagascar, even if the material is not directly imported from Madagascar, must be accompanied by CITES Appendix-II documents issued by the country of export or re-export. Since these Madagascan taxa were originally listed in Appendix III by Madagascar on December 22, 2011, the "pre-Convention" date for their logs, sawn wood, and veneer sheets is December 22, 2011. Therefore, if a shipment of logs, sawn wood, or veneer sheets of Madagascan *Dalbergia* spp. or *Diospyros* spp. to be imported into the United States was from trees harvested in Madagascar before December 22, 2011, the shipment must be accompanied by a CITES document issued by the country of export or re-export indicating that the material in the shipment is pre-Convention.

For more information and instructions on obtaining CITES documents from a foreign country to import CITES-listed material from these *Dalbergia* spp. or *Diospyros* spp. into the United States, please contact the CITES Management Authority of the relevant CITES member country.

Contact information can be found on the CITES website at:

<http://www.cites.org/cms/index.php/component/cp>. [Note that some countries designate more than one Management Authority, each with specific responsibilities related to permitting, plant or timber trade, etc.]

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

o Re-exports of Madagascan *Dalbergia* spp. and *Diospyros* spp. from the United States

For a shipment of CITES-listed Madagascan *Dalbergia* spp. or *Diospyros* spp. material (i.e., only logs, sawn wood, or veneer sheets) to be legally re-exported from the United States, it must be accompanied by a U.S. CITES Appendix-II re-export certificate issued by this office, the U.S. CITES Management Authority. If the material to be re-exported was from trees harvested in Madagascar prior to the original Appendix-III listing date of these taxa (i.e., December 22, 2011), our office will issue a CITES pre-Convention certificate.

All shipments of CITES-listed *Dalbergia* spp. or *Diospyros* spp. material to be re-exported from the United States must be shipped through a CITES designated port for plants, and must be inspected and cleared by APHIS prior to re-export.

o Imports of *Dalbergia cochinchinensis*, *Dalbergia granadillo*, *Dalbergia retusa*, and *Dalbergia stevensonii* into the United States

Beginning June 12, 2013, all shipments for import into the United States of logs, sawn wood, and veneer sheets of *Dalbergia cochinchinensis*, and of logs, sawn wood, veneer sheets, and plywood of *Dalbergia granadillo*, *Dalbergia retusa*, and *Dalbergia stevensonii* must be accompanied by CITES Appendix-II documents issued by the country of export or re-export. With respect to *Dalbergia cochinchinensis* and *Dalbergia granadillo*, if the CITES-listed material of these species to be imported into the United States was acquired before June 12, 2013, the shipment must be accompanied by a CITES document indicating that the material in the shipment is pre-Convention. The same is true with respect to CITES-listed material of *Dalbergia retusa* and *Dalbergia stevensonii*, provided that the material is not from trees of these two species harvested in Guatemala or Panama.

However, since Guatemala's populations of *Dalbergia retusa* and *Dalbergia stevensonii* were originally listed in Appendix III by Guatemala on February 12, 2008, the pre-Convention date for logs, sawn wood, and veneer sheets of these two species is February 12, 2008. Therefore, if a shipment of logs, sawn wood, or veneer sheets of Guatemalan *Dalbergia retusa* or *Dalbergia stevensonii* to be imported into the United States was from trees harvested in Guatemala before February 12, 2008, the shipment must be accompanied by a CITES document issued by the country of export or re-export indicating that the material in the shipment is pre-Convention.

In addition, Panama's population of *Dalbergia retusa* was listed in Appendix III by Panama on December 22, 2011, and that listing included all parts and derivatives except for seeds, pollen, and

finished products packaged and ready for retail trade. Therefore, if a shipment of parts and derivatives (except for seeds, pollen, and finished products packaged and ready for retail trade) of Panamanian *Dalbergia retusa* to be imported into the United States was from trees harvested in Panama before December 22, 2011, the shipment must be accompanied by a CITES document issued by the country of export or re-export indicating that the material in the shipment is pre-Convention.

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

All shipments of CITES-listed *Dalbergia* material imported into the United States must enter through a port designated for the import and export of CITES-listed plants by APHIS. CBP will inspect the shipments at these ports prior to the material entering the United States to ensure that they are accompanied by the appropriate CITES documentation and are otherwise in compliance with U.S. law.

o Re-exports of *Dalbergia cochinchinensis*, *Dalbergia granadillo*, *Dalbergia retusa*, and *Dalbergia stevensonii* from the United States

For a shipment of CITES-listed material of *Dalbergia cochinchinensis*, *Dalbergia granadillo*, *Dalbergia retusa*, or *Dalbergia stevensonii* to be legally re-exported from the United States, it must be accompanied by a U.S. CITES Appendix-II re-export certificate issued by this office, the U.S. CITES Management Authority.

With respect to *Dalbergia cochinchinensis* and *Dalbergia granadillo*, if the material to be re-exported was from trees harvested prior to the effective date of the Appendix-II listings (i.e., June 12, 2013), our office will issue a CITES pre-Convention certificate. Regarding *Dalbergia stevensonii*, if the material to be re-exported was from trees harvested in any country other than Guatemala prior to the June 12, 2013, effective date of the Appendix-II listing, our office will issue a CITES pre-Convention certificate. If the material to be re-exported was from trees harvested in Guatemala, the pre-Convention date is the date that Guatemala listed its population of the species in Appendix III (i.e., February 12, 2008). Therefore, if the material to be re-exported was from trees harvested in Guatemala prior to February 12, 2008, our office will issue a CITES pre-Convention certificate. Finally, with respect to *Dalbergia retusa*, if the material to be re-exported was from trees harvested in any country other than Guatemala or Panama prior to the June 12, 2013, effective date of the Appendix-II listing, our office will issue a CITES pre-Convention certificate. If the material to be re-exported was from trees harvested in Guatemala, the pre-Convention date is the date that Guatemala listed its population of the species in Appendix III (i.e., February 12, 2008), and if the material to be re-exported was from trees harvested in Panama, the pre-Convention date is the date that Panama listed its population of the species in Appendix III (i.e., December 22, 2011). Therefore, if the material to be re-exported was from trees harvested in Guatemala prior to February 12, 2008, or if the material to be

re-exported was from trees harvested in Panama prior to December 22, 2011, our office will issue a CITES pre-Convention certificate.

All shipments of CITES-listed *Dalbergia* material to be re-exported from the United States must be shipped through a CITES designated port for plants, and must be inspected and cleared by APHIS prior to re-export.

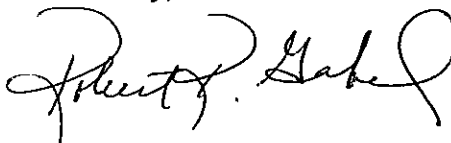
o Documentation of existing stockpiles of wood of the above referenced *Dalbergia* and *Diospyros* taxa in the United States

Recognizing that there are a number of individuals and businesses in the United States that possess stockpiles of wood of the above-referenced *Dalbergia* and *Diospyros* taxa acquired before these taxa were listed under CITES, we provide the following suggestions for documenting those stockpiles. In the event that you wish to re-export pre-Convention wood of these taxa from the United States, you will be asked to provide documentation showing that the wood to be exported was legally acquired prior to the effective date for the CITES listing of that taxon. Examples of such documentation may include copies of sales receipts or inventory logs. In addition, photographs, date stamped if possible, of existing stock would further support the provided documentation. Also, when you apply for a CITES certificate to re-export wood of these taxa from the United States, you may be asked to provide information concerning the total amount of wood of the particular species that you own. However, we do not require registration of stockpiles of wood of these taxa held in the United States.

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

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

Sincerely,



Robert R. Gabel, Chief
Division of Management Authority

cc: IWPA; HPVA; EILA; NAMM
cc: CITES Secretariat
cc: CITES Management Authorities of range countries
cc: APHIS