

## Questions and Answers: Recent Changes to CITES Rosewood Protections

Dear Stakeholder:

The U.S. Fish and Wildlife Service (FWS) serves as the CITES Management Authority for the United States. Our office is responsible for issuing most U.S. CITES permits and certificates. This document includes responses to questions we have received following the changes in the protected status of rosewood adopted at 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 in 2016. For a detailed explanation of the changes that occurred, please see our online letter of April 13, 2017 (originally posted on November 17, 2016, but revised to correct the pre-Convention dates for several species), available at the following [website](https://www.fws.gov/international/pdf/letter-appendix-II-timber-listings-november-2016.pdf): <https://www.fws.gov/international/pdf/letter-appendix-II-timber-listings-november-2016.pdf>. A list of CITES-listed tree species is available from the following [website](https://www.fws.gov/international/plants/current-cites-listings-of-tree-species.html): <https://www.fws.gov/international/plants/current-cites-listings-of-tree-species.html>.

We also encourage you to view the informational webinars hosted in late 2016 by the International Wood Products Association (IWPA) and the 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 the webinars.

- To view the International Wood Products Association webinar, which features guidance for commercial timber and wood products traders, please visit the following [website](https://attendee.gotowebinar.com/recording/825012870722049): <https://attendee.gotowebinar.com/recording/825012870722049>.
- To view the League of American Orchestras webinar, which features guidance for traveling musicians, please visit the following [website](https://youtu.be/p7EXqrPNFFM): <https://youtu.be/p7EXqrPNFFM>.

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).

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

U.S. Fish and Wildlife Service  
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[website](http://www.fws.gov/international/): <http://www.fws.gov/international/>

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## Updates:

- April 19, 2017: Information concerning CITES documents used to export rosewood from India (question 41, page 14)
- March 3, 2017: Warranty repairs (question 43, page 15)
- October 23, 2017: Import guidance for shipments from Indonesia and India (question 41, page 14)
- April 6, 2018: Interim definitions adopted by the CITES Standing Committee at its 69th meeting, November/December 2017, particularly regarding how to interpret the term “non-commercial” (question 2, page 3).

## General Information

### 1. What are the changes to rosewood protections under CITES?

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 became 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 are subject to regulation under CITES. The listings of *Dalbergia* spp. (except for Siamese rosewood (*Dalbergia cochinchinensis*), which includes all parts and products except seeds, and Brazilian rosewood (*Dalbergia nigra*), which is listed in Appendix I and covers all parts and products) and the three bubinga species (*Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii*) carry the Annotation #15, which reads:

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.

## **2. How does the United States interpret Annotation #15?**

All CITES listings include the whole plant or animal, whether alive or dead as well as any other parts or derivatives identified in an annotation. Annotation #15 should be interpreted as follows:

- CITES documents are required for international trade in all parts and derivatives except as outlined in paragraphs a)-d).
- International trade in leaves, flowers, pollen, fruit, and seeds of these species does not require CITES documents.
- Non-commercial international trade of a maximum total weight of 10 kg per shipment does not require CITES documents (see below for additional discussion regarding this element of Annotation #15)
- All parts and derivatives of *Dalbergia cochinchinensis* in international trade require CITES documents.
- For specimens of *Dalbergia* spp. originating in and exported from Mexico, only logs, sawn wood, veneer sheets, and plywood require CITES documents.

At the 69th meeting of the CITES Standing Committee, held in November/December 2017, the CITES Parties agreed to a number of interim interpretations of the term “non-commercial” as it is used in

Annotation #15 and applied to trade in the three listed bubinga species and *Dalbergia* spp. (with the exception of *D. cochinchinensis* and *D. nigra*). Additional information can be found in CITES Notification to the Parties No. 2017/078 at the following [website](https://www.cites.org/sites/default/files/notif/E-Notif-2017-078.pdf): <https://www.cites.org/sites/default/files/notif/E-Notif-2017-078.pdf>. Please note that the interpretations outlined in the Notification and this document are intended to be used only until the next meeting of the Conference of the Parties to CITES, which will be held in May 2019, where it is anticipated that the CITES Parties will adopt additional guidance concerning these listings. The Standing Committee agreed that 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. [Note: Such transactions are considered non-commercial regardless of whether or not there is a fee associated with the repair of the item.]
- 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 traveling 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.

**3. What is CITES? What is an import, export, and re-export?**

To learn more about CITES, see our [webpage](#) on the topic. Learn about CITES terminology at our [blog](#) on the topic.

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

The CITES Parties, including the United States, are currently working to develop electronic permitting but do not put such a system in place at this time. We do not currently have an estimate for when an electronic permitting system or electronic signatures will be in place.

**5. How long will permit application processing generally take?**

We process permit applications as quickly as possible. Please note that we are experiencing 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 generally processed within 45 to 60 days, depending on the complexity of the application and whether the applicant has provided all of the necessary information in the application.

**6. What ports may be used for import or export/ re-export?**

Shipments that contain only CITES-listed plants and plant material (and no wildlife material) must be imported and exported/ re-exported through a port designated by the U.S. Department of Agriculture (USDA) for the import and export of CITES-listed plant material.

Contact information for USDA designated ports can be found at the following [website](#):  
[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).

USDA does not have the authority to allow trade through non-designated ports.

Items that include any wildlife material, including non-protected species such as mother-of-pearl, and CITES-listed plant material must be inspected and cleared by FWS Office of Law Enforcement upon

import/ export/ re-export. A list of FWS designated ports can be found at the following [website](https://www.fws.gov/le/designated-ports.html): <https://www.fws.gov/le/designated-ports.html>.

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

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

This document is intended to provide guidance to all rosewood stakeholders. If you have a question that is not addressed in this document, please contact us at [managementauthority@fws.gov](mailto:managementauthority@fws.gov).

## **Effective Date**

These listings became effective on January 2, 2017.

**8. How will shipments imported into the United States without CITES documents be treated?**

Shipments of CITES-listed rosewood arriving at a U.S. port without the required CITES documents may be seized. In certain cases, CITES documents may be issued after a shipment leaves the exporting country (i.e., retrospectively), depending on the circumstances that led to the failure to obtain a CITES document and the outcome of consultation with the exporting country. For such shipments, the U.S. Department of Agriculture/Animal and Plant Health Inspection Service (USDA/APHIS) will refer the matter to our office, as the U.S. CITES Management Authority. The U.S. Management Authority will communicate with the CITES Management Authority of the exporting/ re-exporting country to determine whether a CITES document will be issued retrospectively, depending on the facts of the case and the requirements under CITES.

## **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 [website](https://attendee.gotowebinar.com/recording/825012870722049): <https://attendee.gotowebinar.com/recording/825012870722049>.

## **Permit and Documentation Requirements**

**9. 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 U.S. CITES import permits to be imported into the United States. Please note that some countries, mostly notably the

European Union countries, have enacted stricter domestic measures 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 the following [website](https://cites.org/eng/cms/index.php/component/cp): <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 5 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

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

Please submit application form [3-200-32](#), available from the following [website](#): <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). Review our reminders and tips for completing application forms on our [website](#). Please include a cover letter that discusses your personal or business practices, such as how often you re-export to other countries, the typical quantity, etc., to assist us in developing a permit that meets your needs.

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 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. Information is available at the following [website](http://www.cites.org/cms/index.php/component/cp):

<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.

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

Although there may be some differences among the CITES Parties, the standard CITES form looks like the example available at the following [website](https://cites.org/sites/default/files/eng/res/12/E-Res-12-03R16-A2.pdf): <https://cites.org/sites/default/files/eng/res/12/E-Res-12-03R16-A2.pdf>.

#### **12. Are Appendix-II species regulated for export/re-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.

**13. We are a factory for guitars. We have stock of Indian Rosewood, or sonokeling (*Dalbergia latifolia*). Is this species now listed under CITES?**

Yes. Because the entire genus *Dalbergia* is now listed in the CITES Appendices, *Dalbergia latifolia* is also listed in CITES Appendix II.

**14. 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, if appropriate, 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 the necessary documentation, FWS will not be able to issue the required re-export certificate. It is important 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, or products made from the previously imported wood of those species, the re-exporter must provide proof that the wood was imported into the United States in compliance with CITES requirements. In order to be eligible for a pre-Convention certificate, the re-exporter must provide proof that the wood was harvested before the species was first included in the CITES Appendices. For wood that was harvested after the species was included in the Appendices, a CITES export permit or re-export certificate must have been presented to USDA/APHIS at the time of import, and a copy of the CITES document is required to obtain a re-export certificate.

**15. 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?**

In our previous guidance, we had noted that since none of the earlier Appendix-II or -III rosewood listings covered manufactured items such as guitars, handicrafts, and furniture, such items would be considered “pre-Convention” as long as they were manufactured prior to January 2, 2017. Subsequently, we have determined that this interpretation is contrary to the guidance adopted by the

CITES Parties in Resolution Conf. 13.6 (Rev. CoP16) on *Implementation of Article VII, paragraph 2, concerning 'pre-Convention' specimens* (<https://www.cites.org/sites/default/files/document/E-Res-13-06-R16.pdf>) and the U.S. definition of “Pre-Convention” found in our CITES implementation regulations (50 C.F.R. § 23.5). Accordingly, we are revising our guidance to reflect our regulatory definition and clarify that items manufactured from CITES-listed rosewood that was acquired (i.e., removed from the wild (harvested) or propagated in a controlled environment) after the species was included in the CITES Appendices, but prior to January 2, 2017, do not qualify as pre-Convention. Items made from pre-Convention rosewood (i.e., wood harvested prior to the inclusion of the species in the CITES Appendices), regardless of the manufacture date, qualify as pre-Convention.

If you are a manufacturer and have a stock of pre-Convention rosewood, you will need to document the quantity of each species of rosewood in your stockpile. If the wood was imported when the species was included in Appendix II or Appendix III, there should have been a CITES document associated with the import, 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 including 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).

**16. In application form 3-200-32, when it 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, but you do not need to submit separate applications for each distribution warehouse.

**17. When completing application form 3-200-32, do we need to provide a copy of the export permit from our factory in China to proceed with the application?**

Yes. If the import into the United States required a foreign CITES export document, then you must provide a copy of that document in order for us to be able to issue a re-export certificate, we must see the CITES document under which the product was imported into the United States. Without the Chinese CITES document, we would not be able to authorize subsequent re-exports.

**18. If we have a Fish and Wildlife Service import/export license, do we need a new permit or will the one we have suffice?**

To conduct commercial import/export activities that involve wildlife species, you must have an Import/Export License by the FWS Office of Law Enforcement that was issued prior to carrying out the activity. Likewise, you must obtain a Protected Plant Permit from USDA before conducting any commercial import or export activities with plant species. The Import/Export License and the Protected Plant Permit, however, only authorize you to engage in commercial import/(re-)export of wildlife

species and protected plant species. You must obtain the required CITES document before exporting CITES-listed species and present that permit to the FWS Wildlife Inspector or the USDA APHIS inspector at the port of export.

For information on Protected Plant Permits see the following [website](#):

[https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/plants-and-plant-products-permits/cites/ct\\_cites\\_endangered\\_plants](https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/permits/plants-and-plant-products-permits/cites/ct_cites_endangered_plants).

Please contact USDA/APHIS for complete guidance on their requirements. Information is available from the following [website](#): <http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport> or call the USDA/APHIS Plant Protection and Quarantine office for guidance at the following number: (301) 851-2046.

**19. 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, a copy of the CITES document used to import the wood (if imported under a CITES document prior to January 2 and for all wood imported after January 2) or product (if 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.

**20. 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, and the actual quantity does not exceed the quantity on the permit.

**21. 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.

**22. 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. Because trade shows are considered commercial, traveling with a musical instrument to an international trade show requires a CITES document.

**23. What permit type is appropriate for attending trade shows with rosewood items?**

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. Follow the instructions at Question 9 to apply for a single-use permit, and include your ATA Carnet information with your application. Alternatively, FWS issues Traveling Exhibition Certificates that allow for re-export and subsequent import of CITES specimens for trade shows, subject to certain conditions. The Traveling Exhibition Certificate would identify the specimens being re-exported and would require the return to the United States of all of the listed specimens - none of instruments may be sold while outside the United States. To apply for a Traveling Exhibition Certificate, U.S. residents should submit application form [3-200-88](#) with the processing fee (instructions are on the form). Foreign residents should contact the CITES office of their country of residence to apply for a permit. Inspection and clearance procedures at the port apply; see Question 5 for guidance.

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

Retailers should ask for documentation from manufacturers regarding the species included in the instruments they purchase and any documentation that demonstrates that the material was lawfully imported. For pre-Convention (see the section below on pre-Convention for more information) manufactured items of the Appendix-II species of *Dalbergia*, 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 can issue a CITES pre-Convention certificate at the genus level.

## Master Files

**25. What is a "Master File" and when is that relevant?**

Many exporters/re-exporters deal with a limited range of products or specimens that they export/ re-export on a regular basis. FWS has established a "Master File" system whereby exporters that are exporting the same type of product, for example guitars, in multiple shipments may receive a number of partially completed CITES permits that authorize each of these exports without having to apply to FWS for each individual export.

Each partially completed CITES document, valid for 6 months, 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 of specimens within the shipment, and other details must be added by the exporter and verified by the appropriate inspection authority upon inspection and clearance at the port.

To apply for a Master File, please submit application form 3-200-32, available from the following [website](https://www.fws.gov/forms/3-200-32.pdf): <https://www.fws.gov/forms/3-200-32.pdf>, along with the \$200.00 processing fee. Instructions are included on the form. Indicate on your application that you are applying for a Master File. See question 9 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 the following [website](https://www.fws.gov/forms/3-200-74.pdf): <https://www.fws.gov/forms/3-200-74.pdf>.

**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 shipment, not each item. 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. While FWS cannot authorize multiple exports on a single CITES document, 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 conforms to the law.

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

Yes, under specific circumstances, we 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.

**28. 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 can include all of these species on the permit. Please contact us to discuss the specific case so that we can work with you to develop a permit that meets your needs and conforms to the law.

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

It is possible, but the pre- and post-Convention CITES-listed species used to manufacture each guitar must be identified on the CITES document. Please be sure to clarify this point when you apply for a Master File.

**30. How do Master files differ for instruments with one CITES-listed species of rosewood versus instruments with multiple CITES-listed species of rosewood?**

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 CITES documents. We have determined that when only one species of wood is used to manufacture the instrument, we will typically issue a CITES document that identifies the number of instruments being exported, instead of the quantity of wood. However, if an instrument contains several species of protected wood, we are not able to identify just the quantity of instruments being exported on the CITES document, but must instead identify the actual quantity of wood, typically in cubic meters. Therefore, if you are exporting instruments with multiple species, please contact FWS so that we can work with you to determine the best way to proceed.

**31. 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?**

For master files, we will not typically include serial numbers of the instruments on the face of the CITES document, nor give the 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.

**32. 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, 2017, must be accompanied by a CITES document. A copy of this document must be presented to FWS when applying for a CITES re-export certificate in order to show that the wood was legally imported. A copy of the document must be presented even if you are not the original importer. When you buy wood or products from another individual or company, be sure to request copies of all relevant CITES documents in case you want to export in the future.

**33. 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?**

Items manufactured from CITES-listed rosewood that was acquired (i.e., removed from the wild (harvested) or propagated in a controlled environment) after the species was included in the CITES Appendices, but prior to January 2, 2017, do not qualify as pre-Convention. Items made from pre-Convention rosewood (i.e., wood harvested prior to the inclusion of the species in the CITES Appendices), regardless of the manufacture date, qualify as pre-Convention. 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

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

The term “pre-Convention” is defined in our regulations (at [50 CFR 23.5](#)) to mean “a specimen that was acquired (removed from the wild or born or propagated in a controlled environment) before the date the provisions of the Convention first applied to the species and that meets the criteria in [§23.45](#), and any product (including a manufactured item) or derivative made from such specimen.”

Items manufactured from CITES-listed rosewood that was acquired (i.e., removed from the wild (harvested) or propagated in a controlled environment) after the species was included in the CITES Appendices do not qualify as pre-Convention. Items made from pre-Convention, regardless of the manufacture date, qualify as pre-Convention.

### **35. Is material that was en route to the United States prior to January 2 considered pre-Convention?**

Any wood that was harvested prior to the listing date of the species in the CITES Appendices is considered pre-Convention. In addition, products manufactured from such wood would be considered pre-Convention, even if they are made after January 2, 2017.

However, because the effective date of the new listings was January 2, 2017, any shipment of CITES-listed rosewood imported into or exported/re-exported from a country after that date must have been accompanied by the appropriate CITES document, including a pre-Convention certificate, as appropriate.

### **36. 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* in Appendix II replaces the previous Appendix-II and -III listings of *Dalbergia* species/populations in the CITES Appendices. Only rosewood harvested before the species was listed in the CITES Appendices for the first time is considered pre-Convention.

### **37. 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.

Conversely, musicians traveling abroad with their instruments for non-commercial purposes including, but not limited to, personal use, paid or unpaid performance, display, or competition may qualify for what is called a personal effects exemption under CITES (i.e., exempt from requiring a CITES document) as long as the instrument is carried in personal accompanying baggage and it 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, with the exception 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**

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

Yes, an importer should be provided with timely information concerning the status of a shipment that has been placed on hold. 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.

**39. Which agency will handle the import process for my shipment containing rosewood?**

FWS, the U.S. Department of Agriculture Animal and Plant Health Inspection Service (USDA/APHIS), and the U.S. Department of Homeland Security Customs and Border Protection (CBP) work together to implement CITES in the United States and all have responsibilities concerning inspection and clearance of shipments of CITES-listed species imported into and exported from the United States. Shipments containing rosewood must be declared, inspected, and cleared consistent with the following guidance. See Question 5 for additional information. If your shipment contains:

- Wood products that also contain wildlife, including non-CITES wildlife such as mother-of-pearl – 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 the relevant office for additional information.

- Wood and wood products only - DHS/CBP. Although DHS/CBP inspects and clears shipments of CITES-listed plants imported into the United States, they follow guidance from the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (USDA/APHIS). Contact USDA/APHIS to determine the requirements for importing and exporting CITES-listed plants: <http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport> or call the USDA/APHIS Plant Protection and Quarantine Headquarters office for guidance: (301)851-2046.

For shipments of wood products that also contain wildlife and shipments of wood and wood products only, if a shipment arrives for importation into the United States without the required CITES documents, it will not be cleared. If the importer believes that the shipment is eligible for issuance of a retrospective CITES document, USDA/APHIS will communicate directly with FWS, and FWS will consult with the foreign Management Authority to determine whether the shipment is eligible. Following this consultation between Management Authorities, FWS will communicate the decision to USDA/APHIS and this information will be relayed to the importer regarding the shipment being detained.

Consistent with CITES guidance, retrospectively issued CITES documents may only be issued and accepted when the Management Authorities of the exporting and importing countries have consulted and are satisfied that the irregularities that occurred are not the fault of the exporter or the importer.

**40. 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?**

Because the sale took place in the United States, if the individual travels to the United States and hand-carries the guitar back to Japan, we will consider this a "personal effect" and not subject to CITES. However, the exemption under CITES does not apply for Appendix-I specimens. Therefore, if the guitar contains Brazilian rosewood (*Dalbergia nigra*), which is listed in Appendix I, the individual must obtain a CITES document before returning to Japan with the instrument. CITES Parties do not uniformly apply this exemption so please advise your customer to confirm with the Japanese CITES Authorities that they share this interpretation. If Japan requires that the guitar be accompanied by a US CITES document, our office will be able to issue one, assuming that all legal requirements are met.

**41. I understand that India has taken a reservation to the listing of *Dalbergia* spp. in Appendix II. What does this mean and may we still import rosewood from India?**

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.”

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](#).

### *India*

The Government of India entered a reservation to the listing of *Dalbergia* spp. in Appendix II.

#### Handicrafts

The Government of India has designated the Export Promotion Council for Handicrafts (EPCH) as the office responsible for issuing CITES comparable documents for exports of handicrafts of *Dalbergia latifolia* and *Dalbergia sissoo*. India has clarified that “handicrafts” include wooden decor items, engraved and embellished items, tables, chairs, cabinets, screens, and other handicraft items generally referred to as furniture and other wood ware. For these items, EPCH will issue a Vriksh Shipment Certificate. We have confirmed that India’s Vriksh Shipment Certificate meets both CITES requirements and requirements under our U.S. CITES implementing regulations. If you are importing rosewood handicrafts from India using the Vriksh Shipment Certificate, please advise your Indian exporter to ensure that the certificate is endorsed, with the actual quantity exported, signature and stamp, by an inspecting official in the export endorsement block of the document at the time of export. Ensuring that the export endorsement block is properly completed will assist in ensuring timely clearance of shipments into the United States.

#### Non-Handicrafts

For exports of all rosewood items that do not qualify as “handicrafts” of *D. latifolia* and *D. sissoo*, the Government of India is using a “comparable document under CITES.” Such items may include fingerboards, bridges, backs, sides, and other parts used in the manufacture of musical instruments.

Please advise your Indian exporters to ensure that:

- 1) the document is issued by one of the Indian designated CITES authorities (see the following [website](https://www.cites.org/eng/cms/index.php/component/cp/country/IN): <https://www.cites.org/eng/cms/index.php/component/cp/country/IN>),
- 2) the document is printed on Wildlife Crime Control Bureau or Ministry of Environment, Forest and Climate Change letterhead and/or has the appropriate national seal/stamp in Block 6, and
- 3) the document is endorsed at the time of export or re-export with the actual quantity of specimens exported, using the same units of measurement as those on the CITES document, and bearing the stamp or seal and signature of the inspecting authority. Documents lacking this

“export endorsement” may be held at a US port of entry while authorities attempt to determine the reason for the lack of endorsement.

For more information on how to obtain an Indian CITES document, please contact India’s CITES Management Authorities or EPCH, as appropriate. Contact information for these offices can be found in the National Contacts and Information section on the CITES [website](https://cites.org/eng/cms/index.php/component/cp) at <https://cites.org/eng/cms/index.php/component/cp>.

**42. 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 and do not affect the requirements under that law.

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

The cross-border movement of an item (such as a musical instrument) for the purpose of being repaired is considered a non-commercial activity under CITES, in view of the fact that the item will remain under the ownership of the same person and that the international movement of the item will not lead to its sale. Likewise, the return to the item to the owner following repair should also be considered as a non-commercial transaction. **[Note:** Such transactions are considered non-commercial regardless of whether or not there is a fee associated with the repair of the item. Additionally, this exception applies only to the timber species subject to Annotation #15 and only until this issue is further considered at CoP18, which will be held in May 2019]

However, depending on the species and volume of wildlife and plants in your instrument, you may need a CITES document to ship the instrument internationally for repair. Follow the guidance below to find out whether you need a permit.

**Part A: What are the species of wood and wildlife in your instrument, and what is the volume of the rosewood?**

If a fee will not be paid, the activity is not commercial, and a permit may not be required. It depends on the species and volume of wildlife and plants in your instrument.

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

What species of wildlife and plants are in the instrument? Learn more about species determinations at our [webpage](#) on the topic.

A permit is required if your instrument includes one of the following species:

- Brazilian rosewood (*Dalbergia nigra*),

- Siamese rosewood (*Dalbergia cochinchinensis*),
- kosso (*Pterocarpus erinaceus*),
- [elephant ivory](#),
- sea turtle ("tortoiseshell"), or
- any species of CITES-listed or ESA-listed wildlife or wood other than CITES Appendix II-listed *Dalbergia* spp. or *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii*.

If your instrument includes one of the above species, a permit is required. Skip to Part B of this question for instructions.

A permit may not be required if the only rosewood in your instrument includes the following species:

- *Guibourtia demeusei*,
- *Guibourtia pellegriniana*,
- *Guibourtia tessmannii*, or
- any CITES Appendix II-listed species of *Dalbergia* except for Siamese rosewood (*Dalbergia cochinchinensis*), which requires a permit.

Continue to step two below to determine whether a CITES permit is needed.

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

If the combined weight of the rosewood in the instrument or shipment of instruments (if more than one is shipped together) is 10 kg (~22 lbs.) or greater, a CITES document will be required. Skip to Part B of this question for instructions.

Please note that other applicable regulations or requirements continue to apply even if permits are not required, including inspection and clearance requirements. Review Question 6 for guidance on inspection and clearance procedures at the port of entry or exit.

Although, as described above, there are circumstances under which export/re-export for repair of an instrument may not require a permit, in order to fulfill its CITES obligations, FWS maintains discretion on a case-by-case basis to examine the facts and circumstances of the intended activity, 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.

#### **Part B: Procedures for rosewood repairs requiring CITES documents**

CITES documents will be required from both the owner's country of residence and the country where the repair company is located.

*If the instrument owner is in a foreign country and the repair company is in the United States, follow the steps below:*

The owner should:

- 1) Apply for a CITES document from the [CITES Office](#) in their country of residence before sending the instrument to the United States;
- 2) Follow the export inspection and clearance requirements of their country of residence when sending the instrument out of the country; and
- 3) Follow the re-import inspection and clearance requirements of their country of residence when the instrument is returned.

The U.S.-based repair company should:

- 1) Arrange for import inspection and clearance procedures with an inspector from either the U.S. Fish and Wildlife Service (if the instrument includes wildlife components such as elephant ivory or mother-of-pearl) or the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) (if the instrument only contains wood). See Question 5 for guidance.
- 2) Apply for a CITES document from the U.S. CITES office before returning the instrument to the owner. See Question 9 for instructions on applying for a single use permit.
- 3) Arrange for re-export inspection and clearance procedures with an inspector from either the U.S. Fish and Wildlife Service (if the instrument includes wildlife components such as elephant ivory or mother-of-pearl) or the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) (if the instrument only contains wood). See Question 5 for guidance.

*If the instrument owner is in the United States and the repair company is in a foreign country, follow the steps below:*

The owner should:

- 1) Apply for a CITES document from the U.S. CITES Office before sending the instrument out of the country. See Question 9 for instructions on applying for a single use permit.
- 2) Arrange to follow export inspection and clearance requirements with an inspector from either the U.S. Fish or Wildlife Service (if the instrument includes wildlife components such as elephant ivory or mother-of-pearl) or the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) (if the instrument only contains wood). See Question 5 for guidance.

- 3) Arrange to follow re-import inspection and clearance requirements with an inspector from either the U.S. Fish and Wildlife Service (if the instrument includes wildlife components such as elephant ivory or mother-of-pearl) or the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) (if the instrument only contains wood). See Question 5 for guidance.

The repair company should:

- 1) Follow the import inspection and clearance requirements of the country where they are located when receiving the instrument;
- 2) Apply for a CITES document from the [CITES office](#) in the country where they are located before returning the instrument to the owner;
- 3) Follow the re-export inspection and clearance requirements of the country where they are located before returning the instrument to the owner.

## 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 [website](https://youtu.be/p7EXqrPNFFM):  
<https://youtu.be/p7EXqrPNFFM>.

### Permit Requirements for Individuals

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

This question relates to paragraph b) of Annotation #15 as it applies to *Dalbergia* spp. and bubinga. Generally what this paragraph means is that if a specimen of the Appendix-II *Dalbergia* spp., excluding Siamese rosewood (*Dalbergia cochinchinensis*), or bubinga is less than 10 kg and is being moved for non-commercial purposes, including, but not limited to, personal use, paid or unpaid performance, display, or competition (e.g., on a temporary exhibition), 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. However, some instruments may contain more than 10 kg of the protected species, such as a double bass, a marimba, or certain drums.

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

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

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

Paragraph b) of Annotation #15 refers to the weight of those species in the specimen. This does not include the case, only the instrument, unless the case also contains the protected species. And, it does not refer to the total weight of the instrument unless the instrument is made entirely of the Appendix-II *Dalbergia* spp. and/or bubinga.

**46. 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 item, such as a musical instrument or piece of furniture, that contains more than 10 kg of the listed *Dalbergia* spp. or bubinga species, including the combined weight of the protected species when it contains more than one species, requires a CITES document. The specimen itself may weigh more than 10 kg and not require a CITES document as long as the portions of the item that consist of the CITES-listed species do not weigh more than 10 kg.

**47. 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?**

In prior guidance regarding this issue, we had noted that since none of the earlier Appendix-II or -III rosewood listings covered manufactured items such as guitars, handicrafts, and furniture, such items would be considered “pre-Convention” as long as they were manufactured prior to January 2, 2017. Subsequently, we have determined that this interpretation is contrary to the guidance adopted by the CITES Parties in Resolution Conf. 13.6 (Rev. CoP16) on *Implementation of Article VII, paragraph 2, concerning ‘pre-Convention’ specimens* (<https://www.cites.org/sites/default/files/document/E-Res-13-06-R16.pdf>) and the U.S. definition of “Pre-Convention” found in 50 C.F.R. § 23.5. Accordingly, we are revising our guidance to reflect our regulatory definition and clarify that items manufactured from CITES-listed rosewood that was acquired (i.e., removed from the wild (harvested) or propagated in a controlled environment) after the species was included in the CITES Appendices, even if it was prior to January 2, 2017, do not qualify as pre-Convention. The date of first listing in the CITES Appendices can be determined by searching the species name in the Species+ database and reviewing the CITES listing history.

Items made from pre-Convention rosewood (i.e., wood harvested prior to the inclusion of the species in the CITES Appendices), regardless of the manufacture date, qualify as pre-Convention. Documentation from the manufacturer, such as the serial number of the instrument or a statement from the manufacturer, may be sufficient to document the age of the instrument.

**48. 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 baggage or are 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 or implement it similarly, 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.

**49. I heard about something called “a musical instrument certificate.” Do I need one and, if so, how do I apply for one?**

A Musical Instrument Certificate is a passport-like certificate for musical instruments that is issued to individuals when a CITES document is required. To be eligible for certificate U.S. Musical Instrument Certificate, your primary residence must be in the United States and you must meet all other requirements for a CITES document. 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 the following [website](https://www.fws.gov/forms/3-200-88.pdf): <https://www.fws.gov/forms/3-200-88.pdf>. Instructions are on the form.

## **Sale and Purchase of Instruments by Individuals**

**50. May 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, including but not limited to personal use, paid or unpaid performance, display, or competition (e.g., on a temporary exhibition). The instrument may not be offered for sale or be sold while outside the country where the certificate was issued, and it must be returned to the country where the certificate was issued.

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

Before you export an instrument for commercial purposes (i.e., that has been sold) that contains wildlife or protected wood, you must obtain a CITES permit from our office. However, if the individual buying the instrument containing only Appendix-II rosewood or bubinga wood travels to the United States and hand-carries the instrument with them when they return to their country of residence, we would consider this a non-commercial activity because the sale took place within the United States, and therefore it is not subject to the CITES controls (also see Question 48 for discussion of the personal effects exemption). As noted above, because Brazilian rosewood (*Dalbergia nigra*) is listed in CITES Appendix I, it is not currently eligible for the personal effects exemption under U.S. regulations. If the buyer intends to hand carry the instrument home with him/her, please advise your customer to confirm with the CITES Authorities in his/her home country that they share the U.S. interpretation concerning the personal effects exemption. If the country requires that the instrument be accompanied by a U.S. CITES document, our office will be able to issue one, assuming that all legal requirements are met.

To apply for a U.S CITES document, please follow the guidelines below.

Submit application 3-200-32 to our office along with the processing fee. The form is available from the following [website](https://www.fws.gov/forms/3-200-32.pdf): <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 cleared as follows:

Wildlife - FWS: contact the Wildlife Inspector at the appropriate designated port (see the following [website](https://www.fws.gov/le/designated-ports.html): <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 requirements for importing and exporting CITES-listed plants.

Information is available from the following [website](#):

<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. (**Note:** although DHS/CBP inspects and clears shipments of CITES-listed plants imported into the United States, they follow USDA/APHIS' guidance)

Check with CITES authorities in the buyer's country to ensure that foreign CITES requirements are met. Information is available at the following [website](http://www.cites.org/cms/index.php/component/cp): <http://www.cites.org/cms/index.php/component/cp>.

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

You do not need a U.S. CITES import permit from our office unless the instrument contains species listed in Appendix I and the specimen is not pre-Convention. The United States does not require the issuance of import permits for CITES pre-Convention specimens nor Appendix-II specimens. Please note that there are additional restrictions for instruments containing ESA-listed species such as elephant ivory, tortoiseshell, and marine mammals. Review our "What Can I Do With My Ivory" [webpage](#) and our "Can I Sell It?" [factsheet](#) for additional information.

Generally, the exporter (foreign seller), must obtain a CITES document from the country of export/re-export, which must accompany the instrument. You should keep a copy of the endorsed and validated permit in your permanent records. Contact information for foreign CITES offices is available from the following [website](https://cites.org/eng/cms/index.php/component/cp): <https://cites.org/eng/cms/index.php/component/cp>.

Reminders:

- The exporter must have the CITES document validated by the foreign inspection personnel prior to export/ re-export;
- The original CITES permit must accompany the shipment (the exporter should make copies before shipping);
- The permit must be presented to the appropriate inspection authority at the time of import into the United States for clearance; You should keep a copy of the cleared permit and all related documentation in a permanent file;
- Be sure to provide a copy of the CITES document to future owners ; and
- Check with CITES authorities in the seller's country to ensure that you are complying with their requirements. Contact information for CITES offices is available from the following [website](http://www.cites.org/cms/index.php/component/cp): <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 the following [website](https://www.fws.gov/le/designated-ports.html): <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 the following [website](#): <http://www.aphis.usda.gov/wps/portal/aphis/ourfocus/importexport> or call the USDA/APHIS Plant Protection and Quarantine main office for guidance at: (301)851-2046.

## Guidance for Orchestras and Ensembles

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

The cross-border movement of a shipment containing multiple should be considered non-commercial as described in Question 2 (e.g., a shipment of musical instruments being jointly sent for the purpose of performance), 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. However, if the volume of *Dalbergia* spp. or bubinga in any individual instrument exceeds 10 kg, that instrument must be included on a CITES document. Please be aware 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. Brazilian rosewood (*D. nigra*) will continue to be included on those documents, as is currently required.

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

A CITES Traveling Exhibition Certificate is a passport-like certificate for musical instruments that is issued to orchestras, ensembles, and other groups. To be eligible for a U.S. Traveling Exhibition Certificate, the orchestra or ensemble must be based in the United States and all of the instruments to be included on the document must meet all other requirements for a CITES permit. 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). However, as outlined under Question 2, your instruments may be exempt from CITES under the newly adopted guidance concerning what constitutes “non-commercial.”

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

### **55. 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 outlined in Question 2, the CITES Standing Committee adopted guidance at its most recent meeting in November/December 2017 concerning interpretation of the term “non-commercial” as it related to

Annotation #15. Please review that guidance to determine if your non-commercial transport of musical instruments is exempt from CITES controls.

**56. 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 2018) 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.

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

As outlined in Question 2, the CITES Standing Committee adopted guidance at its most recent meeting in November/December 2017 concerning interpretation of the term “non-commercial” as it related to Annotation #15. The United States is currently following this guidance as it related to this annotation and trade in the Appendix-II rosewood and bubinga species.

**58. 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 Resolution Conf. 16.8 (Rev. CoP17) 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.