

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES
OF WILD FAUNA AND FLORA

Thirteenth meeting of the Conference of the Parties
Bangkok (Thailand), 2-14 October 2004

Determination of the Definition of *Swietenia macrophylla* Plywood

REVISION OF RESOLUTION CONF. 10.13 ON IMPLEMENTATION OF THE
CONVENTION FOR TIMBER SPECIES

1. This document was prepared by the United States of America.

Introduction

2. At the 12th meeting of the Conference of the Parties (COP12) in November 2002, the Parties adopted a proposal to list the neotropical populations of *Swietenia macrophylla* (bigleaf mahogany) in CITES Appendix II. The listing includes logs, sawn wood, veneer sheets, and plywood, but not any other parts or derivatives. The listing became effective November 15, 2003. The neotropical populations of *Swietenia macrophylla* were listed in CITES Appendix III from November 16, 1995, through November 14, 2003, with that listing annotated to include logs, sawn wood, and veneer sheets, but not any other parts or derivatives. Plywood was not included in the Appendix-III listing.
3. Resolution Conf. 10.13 (*Implementation of the Convention for timber species*) includes specific definitions for logs, sawn wood, and veneer sheets, and recommends that the Parties apply these definitions with respect to the current annotations for CITES-listed timber species, including the Appendix-III *Swietenia macrophylla* annotation. This Resolution also provides specific World Customs Organization Harmonized System (HS) commodity codes to describe logs, sawn wood, and veneer sheets, and recommends that the Parties apply them. However, the Resolution does not include a specific definition for plywood, nor does it list any specific HS code(s) for this commodity.
4. The United States believes that, in order for the Parties to effectively implement the Appendix-II listing of *Swietenia macrophylla* with respect to plywood, it is important for CITES to determine a definition for this commodity, and to include the appropriate HS code(s) for Parties to apply in describing the commodity.
5. With this in mind, the United States submitted Document PC13 Doc. 10.4, entitled *Determination of the definition of Swietenia macrophylla plywood*,[@] at the 13th meeting of the CITES Plants Committee in August 2003. The Plants Committee endorsed the U.S. proposed interim definition of *Swietenia macrophylla* plywood as outlined in PC13 Doc. 10.4, as well as the U.S. proposed HS codes and descriptions for this commodity

outlined in the document. The Plants Committee agreed with the recommendation of the United States that the endorsed interim definition and HS codes and descriptions should be submitted for consideration of the Mahogany Working Group at its 2nd meeting in October 2003.

6. As such, the United States submitted Document MWG2 Doc. 10.1, entitled *A Determination of the definition of Swietenia macrophylla plywood,* at the 2nd meeting of the Mahogany Working Group. The Working Group agreed that CITES adopt the U.S. proposed definition on an interim basis until it can be adopted formally at COP13.
7. At the 14th meeting of the Plants Committee in February 2004, the United States submitted document PC14 Doc. 7.5.2, entitled *A Determination of the Definition of Swietenia macrophylla Plywood: Revision of Resolution Conf. 10.13 on implementation of the Convention for timber species.* This document included a draft revision to Resolution Conf. 10.13 to include the definition of plywood and the HS code(s) for the commodity endorsed by the Plants Committee and agreed to by the Mahogany Working Group. The Plants Committee endorsed the draft revision to Resolution Conf. 10.13 included in document PC14 Doc. 7.5.2 and agreed that the United States should submit this draft revision for the consideration of the Parties at COP13.
8. Therefore, with this document the United States proposes that Resolution Conf. 10.13 be revised to include the definition of plywood and the HS code(s) for the commodity endorsed by the Plants Committee and agreed to by the Mahogany Working Group. The revised version of Resolution Conf. 10.13 proposed by the United States and endorsed by the Plants Committee is provided in the Annex to this document.
9. It should be noted that, in addition to proposed revisions related to plywood, the United States has also proposed several revisions to the text in Resolution Conf. 10.13 to reflect CITES procedural and factual changes that have occurred since the resolution was adopted in 1997.

DRAFT REVISION OF RESOLUTION CONF. 10.13

Proposed deleted text is struck out and proposed new text is underlined.

Conf. 10.13

Implementation of the Convention for timber species

RECOGNIZING that amendment proposals should contain the maximum amount of biological and trade information on the taxon concerned;

AWARE that such information is frequently available from international organizations that have expertise related to timber trade and/or forest management;

RECOGNIZING that parts and derivatives mentioned in the Interpretation of Appendices I, II and III ~~I and II and in the Interpretation of Appendix III~~ should be clearly defined;

EMPHASIZING the need for Parties to adequately report on their annual trade in timber and to use agreed units of measurement;

~~RECOGNIZING that identification sheets suitable for inclusion in CITES Identification Manuals have not yet been published for any of the timber species currently included in the Appendices of the Convention;~~

AWARE that unambiguous identification of timber, by its nature, can be a complex procedure, requiring particular expertise;

RECOGNIZING ~~also~~ that the development of timber identification materials is essential for the effective implementation of the Convention and that the cost of production will be considerable;

NOTING that the approach that authorities of some countries have taken, whereby they meet with timber trade groups and enforcement officers and agree to use standard nomenclature for vernacular and corresponding scientific names of timber species, appears to be a useful one;

NOTING further that the objective of the Convention is to ensure the conservation of wild fauna and flora for this and future generations through the protection of certain species against over-exploitation through international trade;

NOTING also that the Convention can play a positive role in promoting the conservation of animals and plants, including timber species, through trade in accordance with the requirements of Articles III, IV and V of the Convention and through improving trade monitoring for evaluation of biological status and effective enforcement;

RECOGNIZING that commercial trade may be beneficial to the conservation of species and ecosystems when carried out at levels that are not detrimental to the survival of the species in question;

RECOGNIZING also that Parties have the right to take stricter domestic measures concerning any species listed in the Appendices;

AWARE that such measures can have effects unrelated to the conservation of listed species and could be taken for purposes not directly related to the purpose for which the species concerned were included in the CITES Appendices;

NOTING also that there are misconceptions that inclusion of a species in Appendix II or III represents a ban on trade in that species;

RECOGNIZING that such misconceptions can have negative impacts including the prohibition of or restriction on the use of CITES-listed timber species by architects, engineers, commercial businesses and others, and reduced use of such items by consumers;

ACKNOWLEDGING that education is an important tool in the effective implementation of the Convention;

NOTING that many internationally traded timber species, boreal, temperate and tropical, can be managed on a sustainable basis through the application of appropriate silvicultural techniques, but that for other timber species such knowledge is currently lacking;

NOTING that some timber species may be under threat because of detrimental levels of use and international trade;

THE CONFERENCE OF THE PARTIES TO THE CONVENTION

RECOMMENDS that:

Regarding international organizations

a) any Party that intends to present an amendment proposal for a timber species (irrespective of other agreed procedures) should consult with at least four different organizations listed in the table below [two from each of the two types (B and T)], to verify or request biological and trade data and should include any relevant information in the amendment proposal before this is sent to the Secretariat for distribution to the Parties; and

| Acronym | International organization | Data | |
|---------|-----------------------------------------|------|---|
| ATO | African Timber Organization | | T |
| ATTO | Asian-Pacific Timber Trade Organization | | T |
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|-----------------------------------------------------|---------------------------------------------------------------------------------|---|---|
| CIFOR | Center for International Forestry Research | B | |
| FAO | Food and Agricultural Organization of the United Nations; Forestry Department | B | T |
| IBFRA | International Boreal Forest Research Association | B | |
| <u>IWPA</u> <u>HPA</u> | The International Wood Products Association | | T |
| ITTO | International Tropical Timber Organization | B | T |
| IUFRO | International Union for Forest Research Organizations | B | |
| IUCN | IUCN-The World Conservation Union | B | |
| SPT-TCA | Pro-tempore Secretariat of the Treaty for Amazonian Cooperation | B | |
| TRAFFIC | Trade Records Analysis of Flora and Fauna In Commerce | B | T |
| UCBD | Union pour le Commerce des Bois Durs dans l'U.E. (European Hardwood Federation) | | T |
| UNEP-WCMC | UNEP World Conservation Monitoring Centre | B | |
| WWF | World Wide Fund for Nature | B | |
| B = Biological data T = Trade data | | | |

b) when any proposal is submitted to amend the CITES Appendices for timber species, for the implementation of paragraph i) of the second RESOLVES of Resolution Conf. 9.24 (Rev. CoP12)¹, the Secretariat should seek the views of ITTO, FAO and IUCN and present these to the Conference of the Parties;

Regarding parts and derivatives

c) the following definitions be applied with respect to annotations in the CITES Appendices²:

i) Logs

All wood in the rough, whether or not stripped of bark or sapwood, or roughly squared, for processing, notably into sawn wood, pulpwood or veneer sheets (HS code 44.03³);

ii) Sawn wood

Wood simply sawn lengthwise or produced by a profile-chipping process. Sawn wood normally exceeds 6 mm in thickness (HS code 44.06³, HS code 44.07³); and

iii) Veneer sheets

Thin layers or sheets of wood of uniform thickness, usually 6 mm or less, usually peeled or sliced, for use in making plywood, for veneering furniture, veneer containers, etc. (HS code 44.08³); and

iv) Plywood

Consisting of three or more sheets of wood glued and pressed one on the other and generally disposed so that the grains of successive layers are at an angle (HS code 44.12.13³, HS code 44.12.14³, and HS code 44.12.22³); and

d) for the purpose of annotations in the Appendices for parts and derivatives of species traded as timber, definitions to be used should, to the extent possible, be based on the tariff classifications of the Harmonized System of the World Customs Organization;

Regarding amendment proposals for timber species

e) proposals for the inclusion of timber species in Appendix II or III indicate clearly which parts and derivatives should be regulated; and

f) where these parts and derivatives are not logs, sawn wood and veneer sheets⁴, the proponent also propose the relevant amendment to Resolution Conf. 12.3⁵ if the procedures for extending the period of validity of, and/or changing the destination on, the export permit or re-export certificate should apply;

Regarding the definition of 'artificially propagated'

g) timber taken from trees grown in monospecific plantations be considered as being artificially propagated in accordance with the definition contained in Resolution Conf. 11.11⁶;

Regarding improvement of public understanding of the role of the Convention in the conservation of timber species

h) Parties consider any possible deleterious conservation and trade impacts before they impose stricter domestic measures on trade in timber specimens of species included in Appendix II or III; and

i) Management Authorities work with governmental agencies (including local

governments), non-governmental organizations, industry and the general public to develop and provide information on the objectives, provisions and implementation of the Convention to counter the misconception that the inclusion of species in the Appendices represents a ban on the trade in specimens of these species, and to disseminate the message that international trade and utilization of timber species included in Appendices II and III are generally permitted and can be beneficial; and

Regarding timber species of concern

j) the range States pay particular attention to internationally traded timber species within their territories for which the knowledge of the biological status and silvicultural requirements gives cause for concern.

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1. *Corrected by the Secretariat: formerly referred to Resolution Conf. 9.24.*
 2. *Corrected by the Secretariat: formerly referred to annotations #5 and #6.*
 3. *HS refers to the Harmonized System of the World Customs Organization describing and coding goods in trade. The codes referred to in this document for timber include the following:*
 - 44.03 *Wood in the rough, whether or not stripped of bark or sapwood, or roughly squared*
 - 44.06 *Railway or tramway sleepers of wood*
 - 44.07 *Wood sawn or chipped lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness exceeding 6 mm*
 - 44.08 *Veneer sheets and sheets for plywood (whether or not spliced) and other wood sawn lengthwise, sliced or peeled, whether or not planed, sanded or finger-jointed, of a thickness not exceeding 6 mm*
 - 44.12.13 *Plywood consisting solely of sheets of wood, each ply not exceeding 6 mm in thickness, and with at least one outer ply of tropical wood specified in Subheading Note 1 below **
 - 44.12.14 *Plywood consisting solely of sheets of wood, each ply not exceeding 6 mm in thickness, and with at least one outer ply of non-coniferous wood*
 - 44.12.22 *Other (meaning one ply, or more, that is greater than 6 mm in thickness), with at least one outer ply of non-coniferous wood, and with at least one ply of tropical wood specified in Subheading Note 1 below **
- * Subheading Note 1: For the purposes of subheadings 4403.41 to 4403.49, 4407.24 to 4407.29, 4408.31 to 4408.39, and 4412.13 to 4412.99, the expression Atropical wood@ means one of the following types of wood:*
- Abura, Acajou d'Afrique, Afrormosia, Ako, Alan, Andiroba, Aningré, Avodiré, Azobé, Balau, Balsa, Bossé clair, Bossé foncé, Cativo, Cedro, Dabema, Dark Red Meranti, Dibétou, Doussié, Framiré, Freijo, Fromager, Fuma, Geronggang, Ilomba, Imbuia, Ipé, Iroko, Jaboty, Jelutong, Jequitiba, Jongkong, Kapur,*

Kempas, Keruing, Kosipo, Kotibé, Koto, Light Red Meranti, Limba, Louro, Maçaranduba, **Mahogany**, Makoré, Mandioqueira, Mansonia, Mengkulang, Meranti Bakau, Merawan, Merbau, Merpauh, Mersawa, Moabi, Niangon, Nyatoh, Obeche, Okoumé, Onzabili, Orey, Ovengkol, Ozigo, Padauk, Paldao, Palissandre de Guatemala, Palissandre de Para, Palissandre de Rio, Palissandre de Rose, Pau Amarelo, Pau Marfim, Pulai, Pumah, Quaruba, Ramin, Sapelli, Saqui-Saqui, Sepetir, Sipo, Sucupira, Suren, Teak, Tauari, Tiama, Tola, Virola, White Lauan, White Meranti, White Seraya, Yellow Meranti.

4. *Corrected by the Secretariat: formerly referred to parts and derivatives different from those included in annotation #5.*
5. *Corrected by the Secretariat: formerly referred to Resolution Conf. 10.2.*
6. *Corrected by the Secretariat: formerly referred to Resolution Conf. 9.18 (Rev.).*