

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



Fourteenth meeting of the Plants Committee
Windhoek (Namibia), 16-20 February 2004

Technical proposals from the 12th meeting of the Conference of the Parties

Determination of the definition of *Swietenia macrophylla* plywood

DEFINITION OF "SWIETENIA MACROPHYLLA PLYWOOD"

1. This document has been prepared by the Secretariat.
2. At its 12th meeting (Santiago, 2002), the Conference of the Parties adopted a proposal to include the neotropical populations of *Swietenia macrophylla* (bigleaf mahogany) in Appendix II. The listing applies to logs, sawn wood, veneer sheets and plywood, exclusively. The listing became effective on 15 November 2003. The neotropical populations of *Swietenia macrophylla* had already been included in Appendix III since 16 November 1995, with the listing annotated to apply exclusively to logs, sawn wood and veneer sheets.
3. Resolution Conf. 10.13 on the 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 *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 use them on CITES documents. However, the Resolution does not include a specific definition for plywood, nor does it list any specific HS code(s) for this commodity.
4. At the 13th meeting of the Plants Committee (PC13, Geneva, August 2003) a proposal by the United States of America to use the definition of plywood included in the HS code 44.12 as an interim definition for CITES purposes was accepted. This definition is "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".
5. The Committee advised that 'square metres' was the preferred unit of measure to use on permits for trade in plywood of *Swietenia macrophylla*, and for reporting the trade, but that 'cubic metres' was also acceptable. On further consideration, the Secretariat is of the opinion that only square meters should be used because plywood contains in most instances only one outer layer of *Swietenia macrophylla*.
6. The Bigleaf Mahogany Working Group discussed this issue (see document PC14 Doc. 19.1 Annex) at its second meeting, held in Belem (Brazil) from 6 to 8 October 2003, and agreed with the proposal by the United States as outlined above and as accepted by the PC13. Notification to the Parties No. 2003/070 of 12 November 2003 concerning the Implementation of the Appendix-II listing of *Swietenia macrophylla* informed Parties of the recommendations of PC13 with regard to the definition of plywood and the Secretariat's opinion on the unit of measurement (see the Annex to this document). The Secretariat notes that paragraph 7.1 of this Notification should read 'HS codes 44.12.13, 44.12.14 and 44.12.22' instead of 'HS codes 44.12'.

7. The Plants Committee is asked to provide final recommendations regarding the definition of the term 'plywood'.

NOTIFICATION TO THE PARTIES

No. 2003/070

Geneva, 12 November 2003

CONCERNING:

Implementation of the Appendix-II listing of *Swietenia macrophylla*

1. At the 12th meeting of the Conference of the Parties (Santiago, 2002), a proposal was adopted to include the neotropical populations of *Swietenia macrophylla* in Appendix II with the annotation "Designates logs, sawn wood, veneer sheets and plywood". This inclusion comes into effect on 15 November 2003. Populations of *Swietenia macrophylla* outside the neotropical Americas, such as plantations, will not be included in the Appendices.
2. Until 15 November 2003, all populations of *Swietenia macrophylla* in the Americas are included in Appendix III with the annotation "Designates logs, sawn wood and veneer sheets".
3. In compliance with Decision 12.21 concerning the Bigleaf Mahogany Working Group, the Secretariat reconvened the Working Group, which met in Belem, Brazil, from 6 to 8 October 2003. The Working Group recommended that, before 15 November 2003, the Secretariat circulate a Notification to the Parties to clarify the practical implications of the inclusion of *Swietenia macrophylla* in Appendix II.
4. General principles
 - 4.1 International trade in specimens of Appendix-II species may be authorized by the granting of an export permit or re-export certificate in accordance with Article IV of the Convention. An export permit may be granted only if the Management Authority is satisfied that the specimens to be exported were legally acquired and if the Scientific Authority has advised that the export will not be detrimental to the survival of the species. A re-export certificate may be granted only if the Management Authority is satisfied that the specimens were imported in accordance with the provisions of the Convention.
 - 4.2 Specimens of species transferred from one Appendix to another are subject to the provisions applying to them at the time of export or re-export. Therefore, from 15 November 2003, the requirements of Article IV shall apply to export or re-export of logs, sawn wood, veneer sheets and plywood of *Swietenia macrophylla*. Any re-export of such specimens from that date may be authorized only under the provisions of Article IV, even if they had been imported as Appendix-III specimens in accordance with Article V.
5. Issuance of permits and certificates
 - 5.1 From 15 November 2003, all international trade in logs, sawn wood, veneer sheets and plywood of *Swietenia macrophylla* must be covered by permits and certificates issued in compliance with the provisions of Article IV.
 - 5.2 Any export permit or re-export certificate issued before 15 November 2003 and referring to *Swietenia macrophylla* as a species included in Appendix II may be used for export or re-export only from that date onwards.
 - 5.3 Certificates of origin, export permits or re-export certificates referring to *Swietenia macrophylla* as a species included in Appendix III issued in compliance with Article V may be used for export before 15 November 2003. Importing countries should accept Appendix-III

documents for specimens of *Swietenia macrophylla* only if the export has taken place before that date.

- 5.4 Re-export certificates issued on or after 15 November 2003 for specimens that had been imported under the provisions relating to Appendix-III species should refer to either the export permit or the certificate of origin with which the specimens concerned were imported (see Box 12 of the standard permit/certificate of origin).
- 5.5 In order to avoid unnecessary delays to shipments, the Secretariat encourages all Parties to inform officers in charge of enforcing the Convention and those involved in trading specimens of *Swietenia macrophylla* about these changes.

6. Pre-Convention specimens

- 6.1 Trade in pre-Convention specimens of *Swietenia macrophylla* is to be conducted in compliance with Article VII, paragraph 2, of the Convention. In accordance with Resolution Conf. 5.11 on the Definition of the term 'pre-Convention specimen', pre-Convention certificates should indicate the precise date of acquisition, or contain a statement that acquisition occurred before the Convention became applicable to the specimen.
- 6.2 The Convention has applied to neotropical populations of *Swietenia macrophylla* since 16 November 1995, when all populations of the Americas were included in Appendix III at the request of Costa Rica. In accordance with Resolution Conf. 5.11, logs, sawn wood or veneer sheets of *Swietenia macrophylla* should therefore in practice be regarded as pre-Convention specimens by the Management Authority of a State of export only if the owner acquired them before 16 November 1995 (since all relevant range States were already Parties on that date). This also applies to plywood that contains or is covered by veneer sheets of *Swietenia macrophylla*. [Other plywood of *Swietenia macrophylla* should be considered as pre-Convention only if it was acquired before 15 November 2003, although in practice it seems there are unlikely to be many such specimens without veneer.]

7. Annotation

- 7.1 Resolution Conf. 10.13, on the Implementation of the Convention for timber species, provides definitions of the terms 'logs', 'sawn wood' and 'veneer sheets'. These definitions are based on the tariff classifications in the Harmonized System (HS) of the World Customs Organization. The term 'plywood' has not been formally defined. Resolution Conf. 10.13 recommends however that the HS tariff classifications be used. The Plants Committee provided recommendations on this subject during its 13th meeting (Geneva, August 2003; see document PC13 Doc. 10.4), and proposed the following provisional definition of 'plywood':

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 codes 44.12).

- 7.2 It is expected that the Plants Committee will provide final recommendations regarding the definition of the term 'plywood' at its 14th meeting (Namibia, February 2004). The Committee advised that 'square metres' was the preferred unit of measure to use on permits for trade in plywood of *Swietenia macrophylla*, and for reporting the trade, but that 'cubic metres' was also acceptable. The Secretariat is of the opinion that only square meters should be used because plywood contains in most instances only one outer layer of *Swietenia macrophylla*.

8. Illegally traded specimens

- 8.1 It is recommended that, in compliance with Resolution Conf. 9.10 (Rev.) on the Disposal of illegally traded, confiscated and accumulated specimens, confiscated specimens of *Swietenia macrophylla* be disposed of in the best manner possible to benefit enforcement and administration of the Convention. Steps should be taken to ensure that the person

responsible for the offence does not receive financial or other gain from the disposal [see recommendation e) of the Resolution].

- 8.2 When Article IV, paragraphs 2 (b) and 5 (a), of the Convention are applied to specimens of *Swietenia macrophylla* that have been confiscated as a result of attempts to import or export them illegally and that have subsequently been sold by the Management Authority, having satisfied itself that this would not be detrimental to the survival of the species, the specimens should, for the purposes of issuing export permits or re-export certificates, be deemed to have been obtained in accordance with the provisions of the Convention and with the laws of the State for the protection of fauna and flora [see recommendation c) of the Resolution].
- 8.3 Permits and certificates granted in accordance with paragraph 8.2 above should clearly indicate that the specimens are confiscated specimens [see recommendation d) of the Resolution].