



NOTIFICATION TO THE PARTIES

No. 2013/002

Geneva, 15 January 2013

CONCERNING:

Court-ordered export permits for specimens of Appendix-II species

1. At its 14th meeting (CoP14, The Hague, 2007), the Conference of the Parties adopted Decision 14.145, on *Bigleaf mahogany*, and a related Annex containing the *Action plan for the control of international trade in the bigleaf mahogany (Swietenia macrophylla)*, which stated that:

Parties and international organizations should stress the importance of not authorizing any export without proof of legal origin of the timber. Importing countries should refuse mahogany shipments accompanied by CITES export permits issued under a court order, unless the importing country can confirm that a non-detriment finding has been made by the Scientific Authority of the country of origin.

This Decision was deleted from the list of valid Decisions at the 15th meeting of the Conference of the Parties (CoP15, Doha, 2010) because it was considered to have been implemented.

2. The situation addressed by Decision 14.145 seems to have arisen again. The Secretariat has been advised by the CITES Management Authority of a potential country of destination that it was recently presented with two export permits issued by the Management Authority of a potential country of export for sawn wood of bigleaf mahogany under court order without confirmation that the required non-detriment finding had been made. The Secretariat understands that such court orders were requested by private exporters and that additional court orders are likely to be requested by the same or other private exporters in relation to a large quantity of stockpiled CITES specimens with high commercial value. The Secretariat further understands that the court orders were issued without a prior finding of legal acquisition by a CITES Management Authority of the exporting country.
3. The Secretariat reminds Parties that the Convention requires the making of a non-detriment finding by a Scientific Authority and a legal-acquisition finding by a Management Authority before an export permit may be issued. The above-mentioned potential country of destination has reiterated these requirements in its communication with the issuing country.
4. Although Decision 14.145 has been deleted from the list of valid Decisions, the Secretariat considers that the guidance provided in that Decision remains relevant. It therefore encourages potential importing countries of bigleaf mahogany to determine whether any export permits for proposed shipments of specimens of this species were issued under court order and, if so, to follow the advice of the Conference of the Parties provided in Decision 14.145.
5. The Secretariat believes that the continuing relevance and longstanding character of Decision 14.145 indicate that there may be scope for Parties to consider its incorporation into a Resolution in effect.