

The CITES Appendix II listing of mahogany comes into force

AT its 12th meeting, the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) decided to include neotropical populations of *Swietenia macrophylla* (mahogany) in Appendix II of the Convention with the annotation 'Designates logs, sawnwood, veneer sheets and plywood'.

This inclusion came into effect on 15 November 2003; previously, mahogany logs, sawnwood and veneer had been listed in Appendix III by some range states, which meant that internationally traded mahogany needed to be accompanied by export permits from those range states or by certificates of origin from other countries. The requirements are tighter in Appendix II: international trade of products derived from the species is only permitted if accompanied by permits or certificates issued by nominated national authorities in the country of export or re-export that attest to the legality of the product and the sustainability of the species (as described below).

In October 2003, the CITES Bigleaf Mahogany Working Group met in Belém, Brazil (with ITTO support). It recommended (among other things) that the CITES Secretariat circulate a notification to CITES parties to clarify the practical implications of the inclusion of mahogany in Appendix II. The most salient points of the notification, which was issued on 12 November 2003, were:

An export permit may be granted only if the Management Authority ... is satisfied that the specimens to be exported were acquired legally and if the Scientific Authority ... has advised that the export will not be detrimental to the survival of the species.

- international trade in specimens of Appendix-II species may be authorised 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 (as designated by the country considering the export or re-export) is satisfied that the specimens to be exported were acquired legally and if the Scientific Authority (as designated by the country considering the export or re-export) 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;
- specimens 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 the export or re-export of logs, sawnwood, 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;

- 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;
- 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;
- international trade of any logs, sawnwood or veneer of *Swietenia macrophylla* acquired before the Appendix-III listing took effect on 16 November 1995, or non-veneer plywood (eg blockboard) acquired before 15 November 2003 ('pre-Convention specimens') requires a special certificate that indicates the precise date of acquisition or contains a statement that acquisition occurred before the Convention became applicable to the specimen;
- CITES provides definitions of the terms 'logs', 'sawnwood', and 'veneer sheets' based on the tariff classifications in the Harmonized System (HS) of the World Customs Organization. The term 'plywood' has not been formally defined, but it is expected that the CITES Plants Committee will provide final recommendations regarding the definition of this term based on the HS definition at its meeting in February 2004. The preferred unit of measure for plywood is square metres, since it usually only contains one outer veneer of mahogany;
- confiscated specimens of mahogany should 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;
- 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, 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. Such permits and certificates should clearly indicate that the specimens are confiscated specimens.

The full text of the notification to the parties can be obtained from the CITES Secretariat in Geneva, Fax 41-22-797 3417; cites@unep.ch; www.cites.org

ITTO will be hosting a workshop in early 2004 to assist major range states in meeting the requirements of the Appendix-II listing of mahogany. For more information contact: Dr Steve Johnson, itto-stats@itto.or.jp