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Docket Number: FWS-HQ-IA-2021-0008

Re: Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); Nineteenth Regular Meeting: Species Proposals for Consideration and Request for Information and Recommendations on Resolutions, Decisions, and Agenda Items for Consideration

We are pleased to submit this statement in response to the request by the U.S. Fish and Wildlife Service (86 FR 12199) for comments on taxa being considered for comments on species proposals for consideration and the request for information and recommendations on resolutions, decisions, and agenda items that the United States might submit for discussion at the 19th Conference of the Parties (CoP19) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As representatives of musicians, performing arts presenters, instrument manufacturers, makers and retailers, and wood products importers and distributors in the United States and internationally, we appreciate the dialogue the U.S. government has facilitated in prior CITES proceedings regarding transportation and commerce with musical instruments, and we request that the agency take a strong leadership role in advancing ongoing policy improvements at CoP19.

A great many musicians perform with legally crafted and legally purchased musical instruments that contain elephant ivory, tortoise shell, reptile skin, rosewood, and other materials subject to CITES controls. Very small amounts of ivory and tortoise shell may be found in an array of string, wind, percussion, and brass instruments. Reptile skin may be found on the grips of bows for stringed instruments, and a variety of woods including rosewood have been used in the construction of stringed, percussion, and woodwind instruments. We support reasonable policy solutions that will ensure that international cultural activity and legal trade is supported while at the same time protections for endangered species are advanced.

Travel

We request that the U.S. seek outcomes at CoP19 that will advance CITES policies related to international travel with musical instruments containing protected species material. The process for traveling with musical instruments is in urgent need of improvement, and the U.S. can once again lead in this area by initiating a proposal for simplified procedures for the Musical Instrument Certificate.

Musicians perform with valuable and culturally significant musical instruments legally crafted decades and even centuries ago. A number of these instruments contain small amounts of ivory, shell, reptile skin, and rosewood or other materials regulated under the Convention on

International Trade in Endangered Species of Wild Flora and Fauna (CITES). The international use of musical instruments by musicians and professional and student ensembles is essential to advancing diplomacy, sparking artistic innovation, and supporting vital international cultural activity. In partnership with CITES parties and the conservation community, music stakeholders have undertaken efforts to increase compliance with current permit requirements while simultaneously pursuing policy improvements that will alleviate unnecessary burdens.

At the 16th Conference of the Parties (CoP16), Resolution Conf. 16.8 was adopted on *Frequent Cross-Border Non-Commercial Movements of Musical Instruments*, creating a multi-use Musical Instrument Certificate. The Musical Instrument Certificate (MIC) is not an exemption from the permit process. It is a consolidated permit. The MIC streamlines the requirement for obtaining multiple CITES export permits when an instrument contains CITES material and is not exempted from permit requirements by an annotation or a personal effects exemption. Musicians using the MIC apply to their CITES Management Authority for issuance of single permit, which must then be credentialed by CITES enforcement officials at each designated port through which an instrument travels. Musical instruments accompanied by a CITES Musical Instrument Certificate may be hand-carried, in checked luggage, or transported via cargo for larger ensembles. The purpose code P is indicated on a certificate for personal use by individuals, and purpose code Q is indicated on a certificate when a larger ensemble may be considered a travelling exhibition of multiple instruments on a single permit.

The process of issuing and credentialing these permits is extremely variable from country to country and is in urgent need of harmonization and streamlining in order to fully facilitate non-commercial travel with musical instruments.

At the 17th Conference of the Parties (CoP17), unanimous approval was given to [Resolution Conf. 16.8 \(Rev. CoP17\)](#), which:

1. Clarifies that instruments loaned to musicians may qualify for CITES Musical Instrument Certificates.
2. Specifies that the non-commercial scope of the Musical Instrument Certificates includes using the permits when traveling for “paid or unpaid” performances.
3. Recommends that CITES countries not require permits when musicians are carrying certain instruments as personal effects.

We have been informed by individual musicians and ensembles that the required time and financial expense of obtaining and putting to use the MIC has left no option but to forgo travel with their best musical instruments. While continued improvement and fine-tuning of existing permit procedures would be appreciated, the most effective way to minimize the burden of the permit process is to streamline it, consistent with CITES directives, to provide simplified procedures for those activities that do not constitute a threat to the conservation of protected species. In particular:

1. Consistent with [Decision 18.171](#) on Simplified Procedures for Permits and Certificates adopted at the 18th Conference of the Parties, musical instruments being transported under the Musical Instrument Certificate should be added for consideration for simplified procedures.
2. CITES Parties should be reminded of the provision of [Resolution Conf. 16.8 \(Rev. CoP17\)](#) related to instituting personal effects exemptions. Such exemptions are only helpful if acknowledged by all countries through which a musician must travel.

3. Allow permit exemptions for musical instruments transported by cargo under an ATA carnet – an internationally recognized customs re-export document.

At the 18th meeting of the Conference of the Parties (CoP18), Decision 18.171 was adopted, including a directive for the Secretariat to prepare draft guidance on Simplified Procedures that “should include consideration of other types of specimens in addition to those identified in document [CoP18 Doc. 56](#), paragraph 13, with a focus on the international movement of CITES specimens where the trade will have a negligible impact on the species concerned.” Consistent with the work undertaken to establish **simplified procedures** for other specimens, decisions taken at CoP19 should exempt noncommercial movement of musical instruments from the current full battery of permit requirements, such as being stamped at each border, which can cause delays in travel.

Full recognition of the **personal effects exemption** would represent real relief for international guest soloists, small groups, and large ensembles, greatly reduce the cost and time burdens related to navigating permit applications and enforcement procedures, and allow CITES authorities to dedicate limited resources to compliance and enforcement efforts that directly advance conservation goals. Nearly all orchestra musicians with CITES materials place their instruments in cargo shipments to avoid multiple, unwieldy permits in favor of a single permit and inspection procedure. If musicians could carry instruments in cabin or as checked baggage without permits, they could practice and rehearse at their own discretion (shortly before departure and soon after landing), as well as have the ability to maximize the opportunities to perform additional solo and smaller ensemble work.

We also once again request that CITES parties undertake consideration of **permit exemptions for musical instruments transported by cargo under a carnet**. This step would allow legally crafted and legally purchased musical instruments to be transported through international ports without undergoing burdensome permit and inspection procedures. ATA carnets are internationally recognized customs documents that require re-export within an allotted timeframe and waive duties and taxes. Given that the international use of musical instruments does not contribute to trafficking in endangered species, allowing CITES permit and inspection exemptions for instruments transported by cargo and travel under an ATA carnet should be given consideration.

As the U.S. initiated the creation of the Musical Instrument Certificate, it should lead an effort towards improvements in this area by proactively submitting a proposal to fully implement simplified procedures. This policy change would restore opportunities for international cultural exchange and enable extremely limited CITES enforcement resources to be re-directed to genuine threats to wildlife conservation.

Trade and Commerce in Wood Species

At the 18th Conference of the Parties, music industry stakeholders supported revisions to Annotation #15, which were adopted by the Parties and have entered into effect. Annotation #15 applies to *Dalbergia spp.* (except *Dalbergia nigra*), and *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii*. We appreciate the leadership role and support offered by the U.S. delegations throughout the development of the revised annotation. The revisions to Annotation #15 adopted at COP18 have substantially supported noncommercial and commercial cross-border movement of musical instruments, while relieving CITES management authorities of unnecessary permit burdens.

The original Annotation #15 adopted at the 17th Conference of the Parties (CoP17) required substantial clarification of terms of reference related to non-commercial activity, consolidated shipments, weight limits, and identification and marking requirements, as agreed in [CITES Notification 2017/078](#). It hindered trade, travel, and artistic activity, and imposed an extreme permit burden on CITES management authorities. The permit requirements originally imposed by Annotation #15 included multiple permits for the same piece of wood as it moved from blanks to finished product. In aggregate, these instruments represent an extremely small proportion of the worldwide trade in rosewoods in terms of volume, while representing a significant proportion of the permits issued following CoP17. Given the long lifespan of musical instruments in use - decades, if not centuries - instruments are typically re-sold by their musician owners and are frequently used in performances. Imposing permitting and documentation requirements on musicians for the transboundary resale and use of their instruments had hindered trade and cultural activity and presented the risk of undermining the substantial investments (sometimes life savings) of musicians with no apparent accompanying conservation value.

With the implementation of the revised Annotation #15 as agreed at CoP18, confidence in musical instrument trade and in the effectiveness of CITES has been significantly restored across the music sector. As the U.S. prepares for the CoP19 consideration of species proposals and annotations, we encourage ongoing leadership that will prevent unintended consequences.

We acknowledge that further consideration of a more streamlined approach to annotations will continue to be a focal point for CITES, and that new species listing proposals will come under consideration. As these deliberations move forward, we emphasize that focus is best placed on trade from range states and not finished products. [Resolution Conf. 11.21 \(Rev. CoP17\)](#), provides guidance and principles for annotations, and states that: **1) controls should concentrate on those commodities that first appear in international trade as exports from range States; and 2) controls should include only those commodities that dominate the trade and the demand for the wild resource. These principles and facts should continue to guide the development and adoption of future annotations.** CITES Parties implicitly recognized the conservation value of regulating trade from range states when they agreed on Annotation #10, for *Caesalpinia echinata* (also known as *Paubrasilia echinata* or Pernambuco), which covers "Logs, sawn wood, veneer sheets, including unfinished wood articles used for the fabrication of bows for stringed instruments."

Electronic Permitting

The U.S. should support continued development of a robust electronic permitting system such as eCITES that would allow for universal utilization of electronic permits. If properly implemented, movement to electronic permitting would substantially reduce the time necessary for permit issuance and transmission, while reducing opportunities for fraud. U.S. companies that rely upon CITES documents for international shipments would also benefit from greater certainty that properly documented shipments would avoid costly delays due to questions about CITES documentation that could be transmitted well in advance of arrival at a foreign port of entry.

Thank you for the opportunity to provide comments on the species proposals, resolutions, decisions, and agenda items that the United States may consider submitting for discussion at CoP19. We look forward to providing further comments as the CoP19 agenda is set, and as the U.S. shapes positions in response to proposals offered by CITES parties in the coming months. The music community is fully committed to the goals of wildlife conservation and combating

illegal trade in protected species. We appreciate the opportunity to partner with USFWS and the conservation community to seek reasonable solutions that protect the domestic and international use, production of, and trade in musical instruments.

Sincerely,

American Federation of Musicians of the United States and Canada
American Federation of Violin and Bow Makers
Chamber Music America
Fender Musical Instruments Corporation
ForestBased Solutions
International Association of Violin and Bow Makers
International Wood Products Association
League of American Orchestras
C.F. Martin & Co., Inc.
National Association of Music Merchants
OPERA America
Paul Reed Smith Guitars
Performing Arts Alliance
Recording Academy
Taylor Guitars
Theatre Communications Group