

We will be starting shortly.

The recording, PPT, and transcript will be sent to all registrants as soon as possible, usually within two business days.

Travel Rules for Protected Species and Musical Instruments

Presented in partnership with:

May 7, 2024

















League of American Orchestras

Hosted By

- American Federation of Musicians of the United States and Canada
- American Federation of Violin and Bow Makers
- Chamber Music America
- ► Folk Alliance International

- ► International Alliance of Violin and Bow Makers for Endangered Species
- ► League of American Orchestras
- ► NAMM, the National Association of Music Merchants
- Recording Academy

















Technical Tips



Please listen via computer audio – for optimal performance, close other browser windows and programs for the duration of the webinar.



All participants are in listen-only mode.



Feel free to send questions via the **Q&A box** on your screen.

















PERMITS 101

USFWS Permitting Simplified



U.S. FISH & WILDLIFE SERVICE
INTERNATIONAL AFFAIRS

Purpose

In this session, we will learn about the major laws governing permit applications for wildlife and plants that our Branch of Permits reviews and the resources available to you.





Topics

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03

04

05

Why do we require permits?

CITES: What it is, Implementation, and Criteria Determining Whether a Permit is Required Permitting Basics and Procedures CoP19 Updates



Monitoring and management

- Illegal wildlife trade is estimated to be a multibilliondollar business involving the unlawful harvest and trade of live animals, plants, and/or their parts and products.
- Certain wildlife products, like ivory, have become symbols of wealth and social status in many nations. As a result, the demand for these goods has risen.
- ...the black market for wildlife products is rivaled in size only by trade in illegal arms and drugs.
- Legal trade can be a solution to combatting illegal trade through permits.





How can musicians benefit wildlife conservation efforts?

- Be aware of and comply with international, domestic, state, and local wildlife laws.
- Ask questions when buying an instrument
- Maintain careful records and documentation with your purchases, sales, and transfers.





CITES and Federal Domestic Wildlife Regulations

- 1900 Lacey Act
- 1918 Migratory Bird Treaty Act (MBTA)
- 1972 Marine Mammal Protection Act (MMPA)
- 1973 Endangered Species Act (ESA)
- 1975 Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES)
- 1988 African Elephant Conservation Act (AfECA)
- 1992 Wild Bird Conservation Act (WBCA)

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CITES Implementation and Criteria

- What is CITES?
- Myth vs. Fact
- Implementation
- Criteria





The Convention on International Trade in Endangered Species of Wild Fauna and Flora

- International treaty developed to regulate legal international wildlife trade
- Signed in 1973; entered into force July 1, 1975
- 184 Parties (183 member countries plus the EU)
- Protects species under three appendices (I, II,
 III) based on the level of protection needed
- Requires a separate Management and Scientific Authority



CITES Implementation: Appendices

Appendix I

- 1,100 species
- Species threatened with extinction
- No commercial trade allowed
- Listing must be voted on at Conference of Parties (CoP)
- Permits required for both import and export

Appendix II

- 38,000 species
- Species vulnerable to overexploitation; may be threatened if trade is not regulated
- Commercial trade allowed
- Listing must be voted on at CoP
- Permits/certificates required for export only

Appendix III

- 500 species
- Species protected by at least one country that has requested assistance to help regulate trade
- Can be listed unilaterally, at any time
- Certificate of origin/export permit required for export
- Addresses legal origin

CITES Implementation: Conference of the Parties

Every 3 years CITES Parties (member countries) convene to

- Review conservation of CITES listed species
- Propose amendments to species listed in Appendices I & II
- Review documents and reports from the Parties, Committees, the Secretariat, and working groups
- Recommend measures to improve the effectiveness of the Convention

CITES Implementation: U.S. Legislation

- The Secretary of the Interior is designated as the implementing authority of CITES through the Endangered Species Act (ESA).
- ESA establishes a Management Authority and Scientific Authority
- Permit issued only if a country's Management and Scientific Authorities determine that trade is legal and does not threaten the species' survival in the wild
- Facilitates lawful import, export, and re-export of listed specimens
- Standardized permit forms allow inspection officials at ports of export and import to verify legal trade
 - Animal species: FWS Office of Law Enforcement
 - Wood species: USDA-APHIS
 - Wood + animal species: FWS Office of Law Enforcement

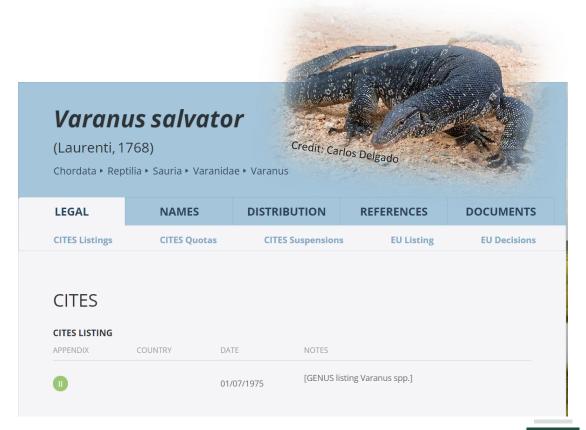
Determining Whether a Permit is Required

- Species listings
- Pre-Convention, pre-Act, and Antique
- Annotations
- Personal and Household Effects



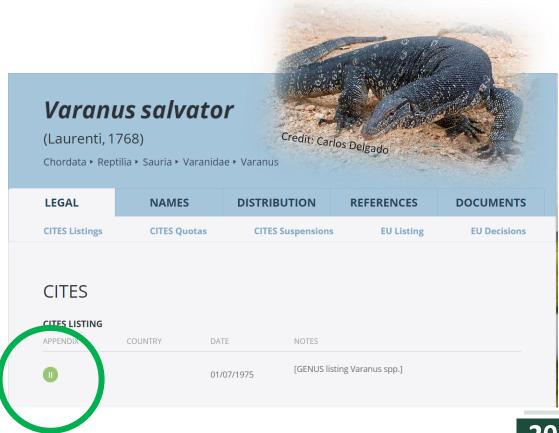
Species Listings

- To determine whether a species is included in the CITES appendices, you can visit the CITES website or https://speciesplus.net/
- To determine whether a species is included in the Endangered Species Act (ESA), you can visit https://ecos.fws.gov/



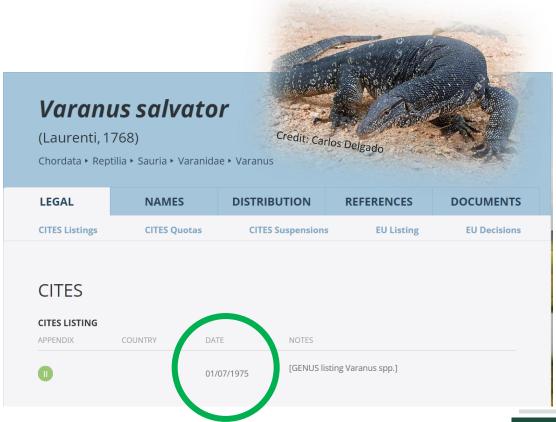
Species Listings

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Pre-Convention

- Pre-Convention means a specimen that was acquired before the date the provisions of CITES first applied to it
- Individuals may apply for pre-Convention certificates, musical instrument certificates, or traveling exhibition certificates in lieu of a CITES export permit or re-export certificate when this criteria is met

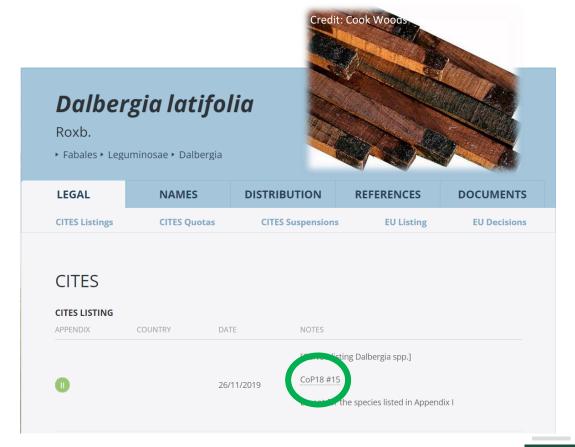


ESA Pre-Act and Antique

- Antique: Specimen is at least 100 years old, has not been repaired or modified on or after the date the species was listed under the ESA, and the item has either a) entered through a designated port for ESA antiques, or b) there is documented proof the specimens was in the U.S. prior to 9/22/1982.
- Pre-Act: Specimen was held in a controlled environment on or before the date the species was listed under the ESA and the holding or use was not in the course of a commercial activity
- There are exceptions for African elephant specimens under the special rule found at 50 CFR 17.40(e).

Annotations

- When deciding whether a permit is required for wood species on your instrument, pay attention to the annotation associated with the species.
- Some plant listings include or exclude certain parts or products from CITES controls.
- If the species your instrument is manufactured with is excluded from the listing, it is exempt and does not require CITES documents from the Management Authority.



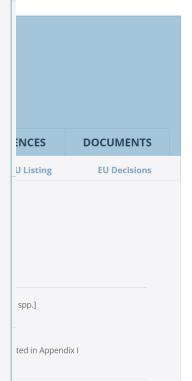
COP18 #15

Annotation

- When deciding whether required for wood spring instrument, pay atternation associated
- Some plant listings in certain parts or producontrols.
- If the species your in: manufactured with is listing, it is exempt ar CITES documents from Authority.

All parts and derivative except;

- a) Leaves, flowers, pollen, fruits, and seeds;
- b) Finished products to a maximum weight of wood of the listed species of up to 10 kg per shipment;
- c) Finished musical instruments, finished musical instrument parts and finished musical instrument accessories;
- d) Parts and derivatives of *Dalbergia cochinchinensis*, which are covered by Annotation # 4; and
- e) Parts and derivatives of *Dalbergia* spp. originating and exported from Mexico, which are covered by Annotation # 6.



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Personal and Household Effects

A permit may not be required for your instrument if you meet the following issuance criteria:

Personal effects

- Appendix-II or -III
- Personal, and quantity must not exceed more than reasonable for use during your trip
- Part of personal baggage or on your person during travel

Household effects

- Appendix-II or -III
- Quantity is appropriate for the nature of your move
- Owned by you and used for personal purposes
- Only includes specimens purchased, inherited, or acquired before you changed your residence and shipment is within 1 year of changing residence

Personal and Household Effects

A name it was not be used in all faures in instrument if you want the faller in a leavener cuitorie

Not all CITES parties recognize personal and household effects exemptions. Check with the Management Authority of the importing country to verify before your travels.

- Part of personal baggage or on your person during travel

 Only includes specimens purchased, inherited, or acquired before you changed your residence and shipment is within 1 year of changing residence



4 Permitting Basics and Procedures

Which Permit Type Do I Apply for My Musical Instrument?

3-200-23 Pre-Convention, Pre-Act, and Antique	3-200-32 Export/Re-Export Plants	3-20 Musical Instrument / Trav (instrument
 One time shipment Commercial and non-commercial purposes Permit valid for 6 months Instrument contains: Only wildlife species Both wildlife and wood species e.g., relocating with instrument, donating instrument, shipping to buyer in a different country 	 One time shipment Commercial and non-commercial purposes Permit valid for 6 months Instrument contains only CITES listed wood species e.g., commercial export or reexport of instruments containing Brazilian Rosewood (<i>Dalbergia nigra</i>), relocating with instrument, shipping to buyer in a different country 	Allows multiple border cro Only for non-commercial patients of being offered for sale or being offered for sale or be United States e.g., performance, competed this certificate Musical Instrument Certificate For Single instrument Only for traveling with your instrument (on your person/checked baggage) Certificate can be
		valid up to 3 years • Refer to Resolution Conf. 16.8

-200-88 raveling Exhibition Certificate ent "passport")

- crossings
- al purposes: instrument is not or being sold while outside the
- petition, display CITES office for acceptance of

this certificate	
Musical Instrument	Traveling Exhibition

- Certificate • For Orchestra/Ensemble
 - Can be in cargo Certificate can be valid up to 1 year
 - - Refer to Resolution Conf. 12.3

What to Include in Your Application

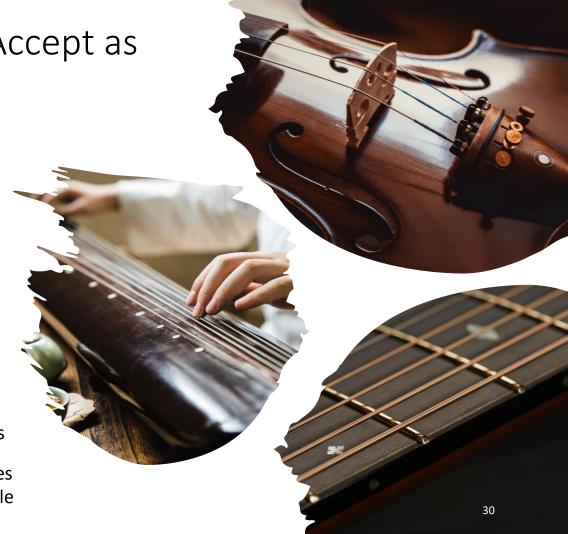
Scientific name and common name of species

- Description of instrument(s)
- Date of manufacture
- Provenance (i.e., appraisal documents attesting species and manufacture date)
- Evidence of lawful acquisition (e.g., bill of sale or notarized statement)
- Evidence of lawful import, if relevant (CITES permit, import declaration)
- Current location of instrument(s)
- Photographs of instrument(s)
- Serial number, if available



What will the Service Accept as a Qualified Appraisal?

- The person executing the appraisal has earned appraisal designation from a professional appraiser organization for the type of property being appraised
- Third-party
- What's on the appraisal?
 - Name, address of appraiser
 - Appraiser qualifications
 - Date of appraisal
 - Description of instrument
 - Size
 - Materials
 - Manufacturer
 - Approximate date instrument was created
 - Method used to determine age/species
 - Professional quality image of the article



Sample Chart for CITES Permit Application for Groups of Instruments (Expand as needed to include all covered species)

Last name of musician	Type of item (e.g. violin bow, xylophone)	Size (in Metric Units)	Date made	Country of Origin	Date instrument acquired	Contains African Elephant ivory?	Contains Tortoise- shell?	Contains Brazilian rosewood?	Current Address of Instrument

Summary (Expand as needed to include all combinations of covered species)

Number of Instruments	Type of Instruments
Total Number of Instruments:	African Elephant Ivory Only (Loxodonta Africana)
Number of Instruments	Type of Instruments
Total Number of Instruments:	Brazilian Rosewood Only (Dalbergia Nigra)
Number of Instruments	Type of Instruments
Total Number of Instruments:	African Elephant Ivory and Brazilian Rosewood (Loxodonta Africana and Dalbergia Nigra)

Examples of Common Species on Instruments with Additional Restrictions

African elephant (Loxodonta africana)

- No commercial movement unless antique or pre-Act criteria
- Only needs to meet CITES pre-Convention status if under a traveling exhibition certificate or musical instrument certificate

Hawksbill sea turtle (*Eretmochelys imbricata*)

- No commercial movement or travel using a certificate unless the specimen meets the ESA antique or pre-Act criteria

Asian elephant (Elephas maximus)

- No commercial movement or travel using a certificate unless the specimen meets the ESA antique or pre-Act criteria

Bowhead whale (Balaena mysticetus)

- No commercial movement or travel using a certificate unless the specimen meets the ESA antique or pre-Act criteria
- This species is under NOAA's jurisdiction. A separate letter must be authorized by NOAA's National Marine Fisheries Service ("Letter of Determination") for this authorization.

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CoP19 Updates and Impact

- Pernambuco
- Trumpet Trees
- Cumaru
- African Mahogany
- Padauk
- Decisions adopted



Brazilwood (*Paubrasilia echinata*) or Pernambuco

- Paubrasilia echinata has been included in Appendix II since September 13, 2007
- At CoP19, Annotation #10, which applies to Brazil wood, was amended as follows:
 - "All parts, derivatives and finished products, except re-export of finished musical instruments, finished musical instrument accessories and finished musical instrument parts."
 - Under the revised annotation, all parts, derivatives, and finished products of Brazil wood
 exported from the range country (Brazil) are included in CITES controls. A limited exception is
 in effect only for subsequent re-export of finished musical instruments, their accessories, and
 parts. Valid CITES documents are required for international trade in all other parts, derivatives,
 and finished products.
- Effective February 23, 2023



- Includes Handroanthus spp., Roseodendron spp., and Tabebuia spp.
- · Handroanthus spp. have been used for bow making
- Included in Appendix-II, with Annotation #17
 - "Logs, sawn wood, veneer sheets, plywood and transformed wood"
- Effective November 25, 2024

Cumaru (Dipteryx spp.)

- Also called Shihuahuaco or Tonka
- Dipteryx spp. have been used for musical instrument manufacturing
- Included in Appendix II with Annotation #17
 - "Logs, sawn wood, veneer sheets, plywood and transformed wood"
- Effective November 25, 2024

African mahogany (Afzelia spp.)

- Also called pod mahogany
- Afzelia spp. have been used for musical instrument manufacturing
- Included in Appendix II with Annotation #17
 - "Logs, sawn wood, veneer sheets, plywood and transformed wood"
- The listing includes only the African populations in the genus
- Effective February 23, 2023

Padauk (Pterocarpus spp.)

- Also called African rosewood
- Pterocarpus spp. have been used for musical instrument manufacturing
- Included in Appendix II with Annotation #17
 - "Logs, sawn wood, veneer sheets, plywood and transformed wood"
- The listing includes only the African populations in the genus
- Effective February 23, 2023

Additional Decisions Adopted at CoP19

- Decisions 19.249-19.253 on Brazil wood (Paubrasilia echinata) focuses on, among other things, traceability system for finished bows, control system for Brazil wood stockpiles, sustainable Brazil wood plantations, and capacity-building for enforcement and conservation efforts within Brazil and among Parties.
- **Decision 19.160** on Rapid movement of wildlife diagnostic samples and musical instruments, directs the Standing Committee to:
 - "Consider the need for the development of further appropriate mechanisms, including guidance and capacity-building on simplified procedures in accordance with the recommendations in Part XIII of Resolution Conf. 12.3 (Rev. CoP19) on Permits and certificates, to facilitate the efficient international movement of wildlife samples for diagnostic purposes and/or conservation purposes and the non-commercial movement of musical instruments for purposes of performance, display or competition, for consideration by the 20th meeting of the Conference of the Parties."

Additional Links and Resources

- > ePermits
- Application forms
- > Species+
- > ECOS
- Federal regulations
 - > CITES
 - > ESA
- CITES website
- CITES National Authority Contacts
- CITES Resolution Conf. 12.3 (Rev. CoP18)
- CITES Resolution Conf 16.8 (Rev. CoP17)
- What Can I Do With My Ivory? Web Page
- Musical Instrument Web Page
- NMFS Letter of Determination Site

Know Your Bow Campaign

For questions and answers on how to make best efforts to document information on your bow made with Pernambuco wood, visit the League of American Orchestra's website

<u>Tips For Owners and Users of</u>
<u>Pernambuco Bows</u>

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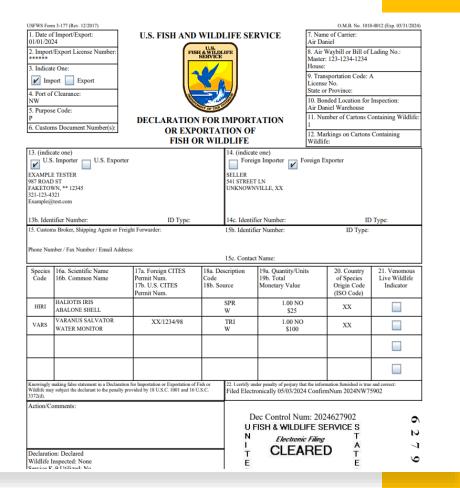
48 Hour Notice-<u>50</u> <u>CFR 14.54(a)</u>

- Contact port at least 48 hours in advance
 - requesting inspection at time of shipment
 - Need CITES validated
 - outside business hours
- Contact information for <u>Wildlife</u> <u>Inspection Offices</u>



Declarations

- All wildlife shipments must be declared via form 3-177
 - Manual 3-177
 - Electronic 3-177 on https://edecs.fws.gov/
- Plant information not required on declaration
- Contact the Port with questions



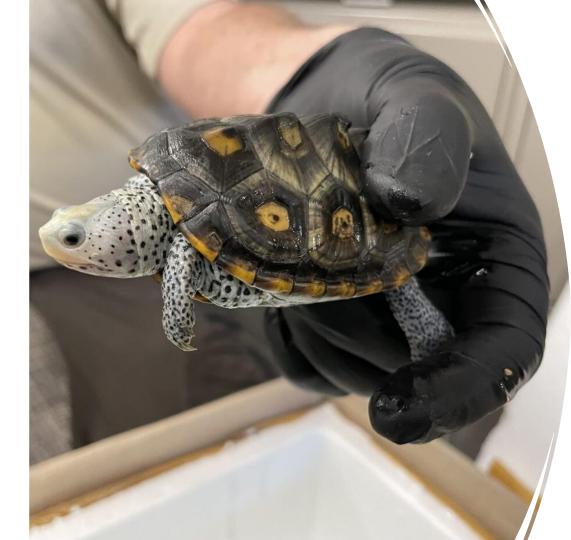
Import/Export License and Fees

- Contact the Port with questions
- Situational
- License Requirements
 - Commercial Use
 - Non-profits exempt
- Fees
 - Base commercial fee \$93
 - CITES Premium fee \$93
 - Overtime Premium Fee \$105



Inspections

- Reach out to Inspection office in advance of shipment.
- Inspection must occur as close to shipment as possible.
- Hand Carry vs cargo
- Make it easy for the officers
 - Label Items per 50 CFR 14.81
 - outside with both the name and address of the shipper and consignee
 - An accurate and legible list of its contents by species scientific name
 - the number of each species
 - Organization



Permit Validation



- Single-use Permits
 - Submit Original to Officer on import
 - Obtain Canceled copy

- Multi-use Permits
 - Keep original permit







Common Violations

- Permit not validated/ not validated properly
- Labeling
- Permit conditions violations
 - Not all items present
- Things not to do
 - FedEx your bow back home because you are not using it and do not want to carry it around
 - Trade with a friend or let them borrow yours and then leave the country
 - Sell your instrument and not bring it back

CAFRA Process

- 50 CFR Part 12- SEIZURE AND FORFEITURE PROCEDURES
- Notification of Seizure (NOSPF)
- Online Posting- <u>https://www.fws.gov/fws</u> forfeiture/notices
- NOSPF outlines choices and next steps

You may exercise these legal options available to you:

Option	What You Need To Do	Deadline Date	Result
You may ABANDON the property, or	Sign the accompanying abandonment form [3-2096] and return to this office.	At any time, but to stop this forfeiture action a response must be received from all interest holders by	The seized items become the property of the United States Government.**
You may TAKE NO ACTION, or	Nothing		Administrative forfeiture action will begin with posting of the proposed forfeiture for three consecutive weeks.**
You may PETITION FOR REMISSION, or	Submit three copies of a notice requesting remission of the forfeiture action to this office.	To stop this forfeiture process, your Petition for Remission must be received by	All administrative forfeiture proceedings will be stopped pending a decision by the Regional Solicitor concerning the Petition for Remission.**
You may FILE A SEIZED ASSET CLAIM.	Submit three copies of the Seized Asset Claim Form to this office. The form is available from this office, and will be sent to you upon request.		This forfeiture action will be submitted to the U.S. Attorney's Office for filing in U.S. District Court as a civil Judicial Forfeiture Action.**

^{**} Forfeiture or abandonment of these seized items may not provide relief from potential liability for civil penalty assessments. Under certain circumstances, storage costs may also be assessed.

Questions?

Please submit any questions in the **Q&A box**.



















Resources

- » www.americanorchestras.org
- » CITES Protected Species Travel Tips
 - Species Overview
 - Chart for Application Supporting Details
 - Links to USFWS Forms and Instructions

League of American Orchestras

Know Your Bow

Know Your Bow

Guide for Owners



https://bit.ly/KYB-Owners

Know Your Bow

Guide for Makers



https://bit.ly/KYB-Makers

















Thank You!

- ► Check back after one week for the archived webinar.
- ▶ Please respond to the evaluation request.
- Stay tuned for additional updates and new resources.

















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