

Trade in musical instruments made of Brazilian Rosewood

The timber species *Dalbergia nigra* has been listed in the most restrictive category of endangered species under CITES (the Convention on International Trade in Endangered Species) since 1992. CITES is implemented in the EU through EU-wide regulations.

Imports to the European Union (EU)

To import an instrument made – in whole or part – of Brazilian rosewood (*Dalbergia nigra*), you always need:

1. A CITES import permit from the EU importing country
2. A CITES export document from the exporting country

Prior to planned import, an import permit must be applied for and obtained from the CITES Management Authority in the EU importing country (in Germany, the Federal Agency for Nature Conservation, BfN), by submitting an application form and a copy of the CITES export document issued by the CITES Management Authority of the exporting country.

For commercial purposes, an import permit can only be issued:

- For antiques, i.e. specimens built before March 3rd, 1947 and unmodified since that time.
- For instruments that were located on EU territory prior to the CITES listing of the species *Dalbergia nigra* (i.e. before July 20th, 1992) and which are to be reintroduced into the EU. It is necessary to have documents proving this status.

An import permit can be issued for private purposes if the instrument was made from "pre-convention" wood. Pre-Convention means that documentary evidence can be presented that the specimen is made of material lawfully harvested from nature before the species was listed under CITES (i.e. before July 20th, 1992).

Re-export from the EU

Re-export of such an instrument from the EU is only permitted if the competent Management Authority (in Germany the Federal Agency for Nature Conservation, BfN) has previously issued a re-export certificate.

Trade within the EU

Trading (buying and selling, offering for sale, etc.) in specimens made of timber of the species *Dalbergia nigra* within the EU is only permitted if the seller holds an intra-EU trade certificate. German sellers may apply for such certificates at the competent authorities in each of the sixteen German Federal States (Länder). In other EU-

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Member states the appropriate CITES Management Authorities are competent to issue the mentioned certificates, which are valid in the whole EU.

Please note: An intra-EU trade certificate only allows trade within the EU and is not valid for re-export to a country outside of the EU.

Record keeping obligations in Germany

Anyone who acquires, processes or places on the market products of Brazilian rosewood for **commercial purposes** – i.e. for profit – must keep records of specimens received and delivered. This provides the competent Länder Authorities with the information they need for their supervisory responsibilities, notably on the source and final whereabouts of each specimen.

We should point out for precautionary purposes that the following infringements may lead to prosecution for a suspected criminal offence:

- Imports to the EU and exports from the EU without the required permits.
- Trading within the EU without the required intra-EU trade certificate.

The potential sanctions include large fines and seizure and confiscation of the musical instruments concerned.

Failure to comply with the record keeping obligations may result in prosecution by the Länder authorities for an administrative offence.

Further information is available from the **Federal Agency for Nature Conservation (BfN)**, Konstantinstrasse 110, 53179 Bonn, Germany, by phone: +49 (0)228 8491-1311, fax: +49 (0)228 8491-1319 or email: citesma@bfn.de