



# Changes to international trade controls for Rosewood (*Dalbergia* spp.)

**In order to further protect species of *Dalbergia* from continued over-harvest resulting from an increasing commercial demand, Canada's *Wild Animal and Plant Trade Regulations* (WAPTR) have been updated to increase international trade controls for this species in keeping with decisions made by the 17<sup>th</sup> Conference of the Parties (CoP17) to the Convention on the International Trade in Endangered Species of Wild Fauna and Flora (CITES).**

## ABOUT ROSEWOODS

Commonly known as rosewoods, the genus *Dalbergia* includes more than 300 species of trees, shrubs and vines. Other common names by which certain species of rosewoods are known include African blackwood, Kingwood, Tulipwood, Palissanders and Cocobolos. *Dalbergia* species can be found across the world in more than 100 countries, mainly in the tropical regions of Africa, Asia and Central and South America. Rosewoods have long been prized for woodworking and artisanal purposes because of their vibrant reddish hues and attractive scent. Demand for products made from rosewood, such as furniture, musical instruments, marquetry, veneers, sculptures and handicrafts, has been increasing in recent years, particularly in Asian markets.

Today, rosewoods are believed to be the most heavily trafficked wild product in the world. Unfortunately, in order to meet this increasing demand for rosewood products, unsustainable harvesting practices have been employed in different regions leading to many species of rosewoods becoming endangered.

## WHY IS THE GOVERNMENT IMPLEMENTING INCREASED TRADE CONTROLS FOR THESE SPECIES?

While many range countries have some form of legal instruments for the protection and conservation of *Dalbergia* species, increasing demand for rosewood products around the world has led to the over-harvest of certain rosewood species, which could put the survival of these species at risk if the trend is not reversed. Given the volume and international nature of the trade in rosewood, international cooperation is needed to effectively regulate this trade. As a result, at CoP17, two important decisions with regards to rosewood were made. Firstly, all species of *Dalbergia* that were not already listed in the CITES Appendices were added to CITES Appendix II; additionally, the CITES trade controls are now applied to all forms of rosewood, including finished products.

## WHEN DO THE INCREASED TRADE CONTROLS COME INTO EFFECT?

The amended CITES Appendices (i.e. revised after CoP17) came into force on January 2, 2017. These amendments have now been implemented in Canada through amendments to WAPTR.

## UNDER WHAT AUTHORITY ARE THE INCREASED TRADE CONTROLS BEING IMPLEMENTED?

The increased restrictions are being implemented by regulatory amendments to Schedule I of WAPTR which is made under the *Wild Animal and Plant Protection and Regulation of International and Interprovincial Trade Act* (WAPPIITA).



#### WHAT PERMITS DO I NEED TO IMPORT OR EXPORT ROSEWOOD?

As a result of the CoP17 decisions, subject to certain exceptions (see below), all species of *Dalbergia* and all types of specimens are subject to CITES controls and require a CITES authorization issued by the exporting country to legally cross international boundaries. Brazilian rosewood (*Dalbergia nigra*) remains listed in CITES Appendix I and requires both a CITES export authorization (issued by the exporting country) as well as a CITES import permit (issued by the importing country) to legally cross international boundaries.

#### HOW CAN I OBTAIN A PERMIT TO IMPORT/EXPORT ROSEWOOD?

You can find application forms for Canadian CITES permits at the following site: <http://www.ec.gc.ca/cites/default.asp?lang=En&n=05BFDC16-1>

Please contact the relevant CITES Management Authority of any country you intend to travel to for information on their permitting requirements. A list of all countries that are a Party to CITES and contact information for each country's Management Authority can be found at the following site: <https://cites.org/eng/cms/index.php/component/cp>

#### WHAT INFORMATION DO I NEED TO PROVIDE WHEN APPLYING FOR A CITES PERMIT?

You will be asked to provide the contact information for the exporter and importer of the rosewood specimens being transported. You will also need to provide information about the rosewood species and specimens that will be imported or exported. This information can include:

- Scientific name (genus and species) and common name of each rosewood species contained in the shipment and within each product within the shipment ;
- Description of item(s) (e.g., logs, sawn wood, type of finished product, seeds, leaves etc.) ;
- The quantity, including unit of measure, for each rosewood species in the shipment ;
- Evidence of lawful acquisition and lawful import (if relevant).

Please note that depending on the complexity of the case, additional information may be required.

#### CAN A SINGLE PERMIT BE USED TO AUTHORIZE THE IMPORT OR EXPORT OF MULTIPLE SPECIMENS OF ROSEWOOD?

Yes, CITES permits are issued per shipment. Shipments can contain one or more specimens of CITES-listed species. Shipments can also contain multiple different

CITES-listed species within the same shipment as long as the specimens (or the items containing the specimens) are clearly differentiated from one another.

#### CAN MULTIPLE SHIPMENTS BE REQUESTED AND AUTHORIZED WITH ONE APPLICATION?

In some scenarios, there are simplified permitting processes which may be used to authorize multiple shipments. These may apply when you have a large volume of rosewood products in stock or a large quantity of unfinished rosewood which is used to make products. In these cases, multi-shipment permits may be used to authorize many shipments over a set period. To determine whether your situation qualifies for multi-shipment permits, please contact Environment and Climate Change Canada's (ECCC) CITES Management Authority to discuss the specifics of your situation.

#### IF I AM RE-EXPORTING ROSEWOOD THAT WAS IMPORTED INTO CANADA BEFORE THE NEW TRADE CONTROLS CAME INTO EFFECT, WHAT DOCUMENTS DO I NEED TO PROVIDE?

It is necessary to prove that the rosewood entered Canada prior to the coming into force of the amendments to CITES on January 2, 2017. Such documents may include shipping documents, bill of lading, invoices from suppliers, import declarations, etc. When these documents are not available, signed affidavits may be used in lieu, which contain a detailed history of the possession or entry of the rosewood.

Rosewood specimens which enter Canada after January 2, 2017 must be accompanied by a CITES authorization from the exporting country. A copy of this authorization will need to accompany any requests for re-export of the rosewood.

#### WHERE DO I SEND MY COMPLETED APPLICATION?

Please send your completed application to the Canadian CITES Management Authority at ECCC. Contact information is provided below.





#### HOW LONG WILL IT TAKE TO PROCESS MY APPLICATION?

ECCC strives to process permit applications as quickly as possible and has established service standards (i.e. a public commitment to a measurable level of performance that clients can expect under normal circumstances) to ensure quality and predictability of service for applicants. Your application may take up to 35 days to process, depending on the complexity of the application and assuming all necessary information and supporting documents have been provided at the time the application is made.

Additional information relating to service standards for CITES permits as well as past performance against service standards can be found at: <http://www.ec.gc.ca/cites/default.asp?lang=En&n=B02A39A6-1>

#### HOW MUCH DO PERMITS COST?

All CITES permits issued in Canada by ECCC are free of charge. The cost of CITES permits issued by other countries that are a Party to CITES varies from country to country.

#### HOW LONG WILL MY PERMIT REMAIN VALID?

Export permits and re-export certificates are valid for 6 months. Import permits are valid for 12 months.



#### MAY I TRANSFER MY PERMIT TO ANOTHER PERSON IF I AM NO LONGER ABLE TO TRAVEL?

No, CITES permits are non-transferable and may only be used by the person whose name and information is indicated on the permit.

#### DO THE INCREASED TRADE CONTROLS APPLY TO ALL SPECIMENS OF *DALBERGIA*?

No, certain types of rosewood specimens are outside the scope of CITES and, therefore, are not subject to CITES controls. If you are unsure whether you require a permit, please contact ECCC's CITES Management Authority.

The CITES listing for the *Dalbergia* species in CITES Appendix II specifies types of specimens that are outside of the scope of CITES controls including:

- a. Leaves, flowers, pollen, fruits and seeds; and
- b. Non-commercial exports of a maximum total weight of 10kg per shipment.

These exceptions do not apply in 3 cases:

1. Brazilian rosewood (*Dalbergia nigra*), which has been listed in CITES Appendix I since 1992 and is not affected by changes to trade controls.
2. Siamese rosewood (*Dalbergia cochinchinensis*) for which the following specimens are outside the scope of CITES controls:
  - seeds, spores and pollen (including pollinia);
  - seedling or tissue cultures obtained in vitro, in solid or liquid media, transported in sterile containers;
  - cut flowers of artificially propagated plants.
3. All specimens of rosewood originating and exported from Mexico for which only the following specimens are within the scope of CITES:
  - Logs, sawn wood, veneer sheets and plywood.

If you wish to import or export specimens that fall into one of these three categories, please contact ECCC's CITES Management Authority to discuss the applicable permitting requirements.





#### **CAN YOU PLEASE EXPLAIN THE 10KG RULE?**

##### **DOES 10KG REFER TO THE TOTAL WEIGHT OF THE ITEM OR THE WEIGHT OF PORTION OF THE ITEM THAT IS MADE OF ROSEWOOD?**

Paragraph (b) shown in the previous section indicates that specimens that weigh under 10kg and are traded for non-commercial purposes are outside the scope of CITES controls. Specimen refers to the weight of the rosewood species in the item and not the overall weight of the item. For instance, in the case of a musical instrument transported for personal use, a 12 kg instrument containing 5 kg of parts made from *Dalbergia* would be outside the scope of CITES controls.

##### **ARE THERE OTHER EXEMPTIONS FROM THE NEED TO OBTAIN A PERMIT?**

You may be able to benefit from the personal and household effects exemption. If the rosewood you are importing or exporting is personally owned and legally acquired, and worn, carried or included in personal accompanying baggage or part of a household move, CITES permits may not be required. Please note that species listed in Appendix I as well as live specimens do not benefit from this exemption. Please also note that not all Parties implement this exemption.

##### **IF I POSSESS STOCKS OF *DALBERGIA* SPECIES THAT WERE IMPORTED PRIOR TO JANUARY 2, 2017, HOW CAN I EXPORT THIS WOOD OR PRODUCTS MADE FROM THIS WOOD?**

If you possess stocks of a *Dalbergia* species that was not previously listed in CITES prior to January 2, 2017, you will need to contact ECCC's CITES Management Authority who will work with you to confirm the origin and age of the wood or wood products. Once the origin has been verified, processes will be put in place to allow you to export and sell this wood or products made from this wood.

##### **IF I HAVE STOCKS OF ROSEWOOD THAT WERE IMPORTED WELL BEFORE THE SPECIES WERE LISTED IN THE CITES APPENDICES, HOW CAN I DEMONSTRATE THAT THESE STOCKS ARE PRE-CITES SINCE PERMITS AND AUTHORIZATIONS WERE NOT REQUIRED AT THE TIME?**

Where wood was imported well before the species was listed in the CITES, ECCC's CITES Management Authority understands that documentation related to the import of this wood into Canada (and any possible resale of the wood subsequent to import) may be hard to obtain. ECCC's CITES Management Authority will work with applicants to determine appropriate documentation to validate the origin of the wood or wood products.

Moving forward, when buying stocks of rosewood or finished products made using rosewood from another individual or company, be sure to request copies of all relevant CITES documents or papers that document the origin of the specimens, in case you want to export these specimens in the future.

#### **CAN I SELL OR OTHERWISE DISPOSE OF ROSEWOOD AFTER COMPLETION OF THE IMPORT/EXPORT?**

Generally, it is possible to sell or otherwise dispose of rosewood specimens that have been imported/exported legally. If your intention is to sell an imported/exported wildlife specimen subsequent to the import/export, you must list the purpose of the import/export as "commercial" (purpose code "T" as in "trade"). In the case of *Dalbergia nigra*, because this species is listed in CITES Appendix I it cannot, subject to certain exceptions, be imported/exported for commercial purposes.

It should also be noted that if you import/export a specimen under the exemptions for personal or household Effects, you are prohibited from selling or otherwise disposing of the imported/exported wildlife specimen for 90 days after the date of import/export.

##### **WHAT ARE THE PENALTIES FOR NOT COMPLYING WITH THE IMPORT AND EXPORT RESTRICTIONS FOR ROSEWOOD?**

On July 12, 2017, amendments to the fine regime and the sentencing provisions of WAPRIITA came into force to help ensure that court-imposed fines reflect the seriousness of environmental offences. The amendments do not introduce any new legal obligations, create new prohibitions, or impose new administrative or compliance costs.





The new fine regime will be applied by courts following a conviction for an offence under WAPPRIITA.

- **In the case of individuals:**

- **summary conviction** may result in fines of up to \$25,000; in the case of designated serious offences, conviction will result in fines between \$5,000 and \$300,000, and may result in imprisonment for a term of up to six months, or both.
- **Conviction on indictment** may result in fines of up to \$100,000; in the case of designated serious offences, conviction will result in fines between \$15,000 and \$1,000,000, and may result in imprisonment for a term of up to five years, or both.

- **In the case of small revenue corporations (gross revenue not more than \$5,000,000 in the 12 months preceding the offence):**

- **summary conviction** may result in fines of up to \$50,000; in the case of designated serious offences, conviction will result in fines between \$25,000 and \$2,000,000.
- **Conviction on indictment** may result in fines of up to \$250,000; in the case of designated serious offences, conviction will result in fines between \$75,000 and \$4,000,000.

- **In the case of other entities (e.g. corporations):**

- **summary conviction** may result in fines of up to \$250,000; in the case of designated serious offences, conviction will result in fines between \$100,000 and \$4,000,000.
- **Conviction on indictment** may result in fines of up to \$500,000; in the case of designated serious offences, conviction will result in fines between \$500,000 and \$6,000,000.

All maximum fine amounts and ranges are doubled for second and subsequent offences. Also of note, under WAPPRIITA, the fine for an offence involving more than one specimen may be calculated as though each one had been the subject of a separate charge.

The choice of enforcement measure, which may also include tickets under the *Contraventions Act* or administrative

monetary penalties (AMPs) under the *Environmental Violations Administrative Monetary Penalties Regulations* and the *Environmental Violations Administrative Monetary Penalties Act*, will be determined by the enforcement officer according to the principles in ECCC's Compliance and Enforcement Policies.

#### WHAT ARE ADMINISTRATIVE MONETARY PENALTIES? HOW MUCH CAN I BE FINED?

AMPs are penalties designed to create a financial disincentive to non-compliance; AMPs cannot lead to imprisonment. Enforcement officers can issue notices of violation setting out an AMP directly to regulatees when they are found to be in non-compliance with designated violations of WAPPRIITA or WAPTR. The amount of an AMP is calculated based on the type of violator (e.g. individual, corporation, ship or vessel), the seriousness of the violation and the presence of any aggravating factors (history of non-compliance, environmental harm and economic gain). At present, in the case of violations to WAPPRIITA or WAPTR, the amount of a single AMP cannot exceed \$2,600 in the case of an individual, or \$13,000 in the case of a business, ship or vessel. However it should be noted that, for each day on which the violation is committed or continues, a separate violation is deemed to have occurred.

For more information on AMPs and the new fine regime, please visit <http://www.ec.gc.ca/alef-ewe/default.asp?lang=En&n=2AAFD90B-1>.



#### WHAT CAN I DO TO HELP?

You can help protect rosewoods by ensuring that your transactions do not contribute to the illegal removal from the wild and the trafficking of these species. **If you want to export or import a product made using rosewood**, you must first obtain the necessary CITES permits and present them to the Canada Border Services Agency upon entry to and exit from Canada. **If you use rosewoods to manufacture finished products**, request documentation from your supplier showing that the wood was lawfully imported. **If you are a retailer who sells finished rosewood**



**products**, request documentation from the manufacturer regarding the species included in the product you are selling. **If you own or are selling specimens of rosewood obtained prior to the listing of the species in the CITES Appendices**, contact ECCC to discuss how to certify the age and origin of the specimens.

#### WHO CAN I CONTACT IF I HAVE QUESTIONS?

You can contact Environment and Climate Change Canada's (ECCC) CITES Management Authority by:

- email at [ec.cites.ec@canada.ca](mailto:ec.cites.ec@canada.ca) ; or
- phone at 1-855-869-8670

You can also find additional general information about CITES and its implementation in Canada on ECCC's website:

<http://ec.gc.ca/cites/default.asp?lang=En&n=1BC82E16-1>

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