

May 21, 2024

Public Comments Processing
U.S. Fish and Wildlife Service Headquarters
MS: PRB (JAO/3W)
5275 Leesburg Pike
Falls Church, VA 22041-3803

Submitted Via Internet: www.regulations.gov

Docket Number: FWS–HQ–IA–2024–0033

Re: Convention on International Trade in Endangered Species of Wild Fauna and Flora, Conference of the Parties, Twentieth Regular Meeting; Request for Information and Recommendations on Species Proposals, 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 (FR 89 20489) for comments on species proposals, resolutions, decisions, and agenda items that the United States might submit for discussion at the 20th Conference of the Parties (CoP20) 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 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 CoP20.

A great many musicians perform with legally crafted and legally purchased musical instruments that contain elephant ivory, tortoise shell, reptile skin, tree species, and other materials subject to CITES controls. Very small amounts of ivory and tortoise shell may be found in an array of older string, wind, percussion, and brass instruments. Reptile skin may be found on the grips of bows for stringed instruments, and a variety of woods are 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 with Musical Instruments

We request continued leadership by the U.S. at CoP20 that will advance CITES policies related to international travel with musical instruments containing protected species material. 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. The process for traveling with musical instruments is still in urgent need of improvement, and the U.S. can once again lead in this area by initiating ongoing actions on simplified procedures for musical instruments.

In advance of the 19th Conference of the Parties (CoP19), the United States very helpfully submitted [Information Document 18](#) on *Consideration of Additional Efficiencies in the Movement of Musical Instruments for Non-Commercial Purposes*, recommending that new efficiencies for the noncommercial movement of musical instruments be considered, and recognizing that such movements are a “low conservation concern.” At CoP19, the Parties adopted Decision 19.160, directing 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 non-commercial movement of musical instruments for purposes of performance, display or competition, for consideration at CoP20.

At the 76th Standing Committee meeting, the Standing Committee established an intersessional working group on rapid movement of wildlife diagnostic samples and of musical instruments. In [SC77 Doc. 53](#), a report of the working group was issued to inform the 77th meeting of the Standing Committee. The report includes descriptions of multiple challenges faced by musicians attempting to navigate CITES requirements, including inconsistent application of available permit exemptions, difficulty credentialling CITES permits, and delays during inspections at borders. The working group’s suggestions for possible policy action include:

- amending any listings of plant species in Appendix II that may occur in musical instruments, parts, or accessories to include an annotation specifically exempting musical instruments, parts and accessories, as per annotation #15;
- providing better guidance for Parties on how to apply the simplified procedures available (personal and household effects exemptions, musical instrument certificates, and travelling exhibition certificates);
- issuing clearer information for musical instrument owners about access to the personal effects exemption;
- and, updating the resources found on the Exemptions and Special Procedures CITES online resources, with special attention to updating the table of Parties implementing the personal and household effects exemption.

In addition to consideration of these recommended efficiencies, 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 finished musical instruments does not contribute to trafficking in endangered species, allowing CITES permit and inspection exemptions for instruments transported by cargo and for travel under an ATA carnet should be given consideration.

We appreciate action by the U.S. to lead efforts towards improvements in this area and urge continued action at CoP20 to maximize efficiencies in the noncommercial movement of musical instruments. These policy changes would restore opportunities for international cultural exchange and enable extremely limited CITES enforcement resources to be re-directed to genuine threats to wildlife conservation.

Tree Species Listings and Annotations

While we note that the U.S. is well-aware of the path and effort required to repair the terms of CITES Annotation #15 following its initial adoption, we suggest that it is important to give fresh consideration to this chapter of CITES history during each cycle as Parties are considering species proposals.

Annotation #15 applies to *Dalbergia* spp. (except *Dalbergia nigra*), and *Guibourtia demeusei*, *Guibourtia pellegriniana*, and *Guibourtia tessmannii*. The original Annotation #15 adopted at the 17th Conference of the Parties (CoP17) hindered trade, travel, and artistic activity, and imposed an extreme permit burden on CITES management authorities. Implementing the Annotation 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](#). The permit requirements originally imposed by Annotation #15 included multiple permits for the same piece of wood as it moved from blanks to finished musical instruments. In aggregate, these instruments represented 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 requiring international travel. Imposing permitting and documentation requirements on musicians for the transboundary resale and use of their instruments has 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.

At the 18th Conference of the Parties, music industry stakeholders supported revisions to Annotation #15, which were adopted by the Parties. 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 finished musical instruments, parts, and accessories, while relieving CITES management authorities of unnecessary permit burdens. Confidence in musical instrument trade and in the effectiveness of CITES has been significantly restored across the music sector.

At CoP19, the revised Annotation #10 for *Paubrasilia echinata* was carefully crafted to focus new CITES controls for finished products on the sole range state for the species, regulating “all parts, derivatives and finished products, except re-export of finished musical instruments, finished musical instrument accessories and finished musical instrument parts.” This approach has preserved opportunities for global trade and travel with bows for stringed instruments that have been made over the course of more than 200 years, limited the associated permit burden imposed on global CITES management authorities, while directing CITES resources toward documenting wood and wood products exported from the range state of Brazil.

We acknowledge that further consideration of a more streamlined approach to annotations will continue to be a focal point for CITES as the recommendations of the Annotations Working Group advance through the Standing Committee and are considered at CoP20. As these deliberations move forward, we emphasize that focus is best placed where CITES controls can have the highest impact on conservation of the species. The U.S. and global CITES management authorities have limited resources available to efficiently issue and process permits, and these resources must be focused for maximum impact and efficiency. As the U.S.

considers proposing new species listings for CoP20, these principles and facts should continue to guide the development and adoption of future annotations.

Electronic Permitting

The U.S. should continue to support the development of a robust electronic permitting system such that will 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 on 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 preliminary comments on the species proposals, resolutions, decisions, and agenda items that the United States may consider submitting for discussion at CoP20. We look forward to providing further comments as the CoP20 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
International Association of Violin and Bow Makers
League of American Orchestras
C.F. Martin & Co., Inc.
National Association of Music Merchants
Paul Reed Smith Guitars
Performing Arts Alliance
Recording Academy
Taylor Guitars
Yamaha Guitar Group, Inc