



Our ref.: JES/JB/MSS

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Geneva, 29 December 2014

Dear ,

Thank you for sharing the concerns in your letter of 27 November this year about Afrormosia (*Pericopsis elata*) from the Democratic Republic of the Congo (DRC).

The Review of Significant Trade Review under CITES includes a consultation period during which both the scientific committees and the Standing Committee (SC) are involved. When, as in this case, the Plants Committee formulates recommendations directed to a range State, and it complies with those recommendations, the country is eliminated from the review with respect that the species concerned. The case of DRC can be summarised as follows:

At its 62nd meeting (Geneva, July 2012), the SC agreed the following:

*Pericopsis elata* from the Democratic Republic of the Congo:

**"The deadline for implementation of recommendation a) of the Plants Committee will be extended until 31 May 2014** to allow the Democratic Republic of the Congo to submit to the Secretariat the final report of the project on non-detriment findings for *Pericopsis elata* in that country and comply with the recommendation. Regarding recommendation b) of the Plants Committee, the export quota for *Pericopsis elata* from the Democratic Republic of the Congo will be 25,000 m<sup>3</sup> for 2012 and until the results of the above mentioned project are available. The Secretariat should publish this quota on the CITES website."

Regarding recommendation a) above:

During the 1st week of June 2014 DRC submitted to the Secretariat the above mentioned NDF report. The report is technically robust and has resulted from the joint work of the DRC Scientific Authority, the regional coordinator of the ITTO-CITES programme Dr Jean Lagarde, and EU-FLEGT colleagues based in Kinshasa who joined these efforts under request of the European Commission in Brussels.

Regarding recommendation b):

The Secretariat has published the export quota of 25,000 m<sup>3</sup> although the above-mentioned report is recommending to lower that quota to 16,690 m<sup>3</sup>. DRC has requested a revised export quota for exports of timber of this species from DRC in 2015, that new quota will be published in early January.

As agreed at SC62, the Secretariat reported at SC65 and this case was removed from the Review of Significant Trade since no other action had been directed to DRC regarding its management of *Pericopsis elata*.

Your letter expresses concern about the management of and trade in timber of *Afromosia* from DRC, stating that the elimination of this species from the Review of Significant Trade has given 'loggers ... a free pass from the government of the Democratic Republic of the Congo'. It is worth noting that the Review of Significant Trade is about sustainability of the harvest and therefore it does not address enforcement-related matters. However, Resolution Conf. 12.8 (Rev. CoP13) on *Review of Significant Trade in specimens of Appendix-II species* does open a door to address concerns about illegal activities that affect a target species that is being reviewed. Paragraph I) of that Resolution reads:

*... Problems identified in the course of the review that are not related to the implementation of Article IV, paragraph 2 (a), 3 or 6 (a), shall be addressed by the Secretariat in accordance with other provisions of the Convention and relevant Resolutions;*

Greenpeace did not share its concerns at the time the Plants Committee was reviewing the status of *Afromosia* from DRC, so we did not have the opportunity to implement this paragraph while reviewing the country-species combination during the last 4 years.

You seem to have concerns about *the privileged treatment of timber shipments accompanied by CITES permits under the EU Timber Regulation (EUTR)*. However, as this relates to a stricter measure taken by the Member States of the EU, we would invite you to contact the European Commission for further comments in that respect.

Regarding the statements of the Congolese Ministry for Environment (MECNT) we can only add that, as *Pericopsis elata* is listed in CITES Appendix II, the provisions of CITES applying to that Appendix still need to be enforced. Control of international trade in Appendix- II species needs to be implemented in order to avoid that those species become eligible for being listed in Appendix I in the near future. Trade in Appendix II species therefore is possible if non-detriment findings have been made and the legal acquisition has been proven.

You wonder whether we have consulted the MECNT website while verifying the validity of permits and you ask how the verifications were conducted. We have not compared the list on the MECNT website with the list of permits that we have verified. Therefore we cannot say whether they were all verified. The main purpose of the current verification procedure is to ensure that export permits apparently issued by the Democratic Republic of the Congo are not accepted unless they were in fact issued by that authority.


To verify a permit that is sent to the Secretariat by the Management Authority of the State of destination, we compare the permit with the copies of permits issued that are sent to us by the Management Authority of DRC, to verify that the permit was indeed issued by that Authority. At the same time, the Secretariat checks that there is nothing incongruous in the permit, that it has been correctly completed, that the quota has not been exceeded and that there are no obvious indications of illegal trade. If we receive copies of permits that were in the list of permits for which DRC has no copy in its files, we can say only that we are not in a position to confirm their validity.

The CITES Secretariat follows Resolution Conf. 14.7 (rev. CoP15) on *Management of nationally established export quotas* when it comes to 'approval' of requests for publishing export quotas. Paragraph 18 of this Resolution is often applied and bilateral communications with Parties are of course not public documents.

We hope that the clarifications above are useful. Thank you for your letter and we look forward to continue building on a robust implementation of CITES in DRC.

Yours sincerely,



 John E. Scanlon  
CITES Secretary General

Cc:

Melissa Blue Sky – Center for International Environmental Law

Alexandra Pardal – Global Witness

Kate Horner – Environmental Investigation Agency

The task of ensuring that trade in specimens of CITES species is legal and in accordance with the Convention is the responsibility of the relevant authorities of CITES Parties. The Secretariat has no powers in this connection. Obviously, if the Secretariat becomes aware of any information to suggest that a proposed export or import (or one that has taken place) is not in accordance with the Convention, it brings this to the attention of the CITES Management Authority of the Party concerned. In this regard, during the 65th meeting of the Standing Committee (SC65, Geneva, July 2014), the Secretariat informed the Committee of its concerns regarding the implementation of the Convention in DRC and that the Secretariat had written to DRC in accordance with Article XIII of the Convention. The Secretariat undertook to inform the Committee of developments.

Yes, the Secretariat has several times advised Parties that certain permits are not valid and should not be accepted.

The total volume of exports of *Pericopsis elata* in the 'verified' permits from DRC for 2014 since issuing Notification #2014/017 on 2 April 2014 amounts to 25,000 m<sup>3</sup>.

It would not be appropriate for the CITES Secretariat to provide to any organization a list of permits confirmed.

You wonder whether, since the issuance of the Notification in April, the majority of Parties importing *Afrormosia* from DRC have contacted the Secretariat for verification before accepting imports. Obviously, it is impossible to answer this question because the Secretariat has no way of knowing the number of cases where import permits were presented and accepted if they were not checked with the Secretariat.

In your question 5 you share with us your concerns about the legality of the *Afrormosia* wood traded internationally and for which permits are published online by MECNT. You further ask us whether the Secretariat has used information on violations of DRC forest legislation by companies. This would not be relevant to the verification process. Therefore we have not used such information. Paragraph d) states that *In 2014 Afrormosia CITES permits have been issued to concession holders that the NDF indicated had no 'plan de sondage' and probably would not be included in the 2015 quota calculation. And you ask whether we consider this a violation of CITES rules or terms set out for Afrormosia trade in the NDF?* The NDF requirement under CITES is that the Scientific Authority of the State of export must have advised that the level of export will not be detrimental to the survival of the species. Exactly how this is achieved is to be determined and implemented by the authorities of each Party. The information above does not indicate that there was a contravention of CITES.

Regarding paragraphs e) and f) of the same question we cannot comment on individual permits and the information you have provided goes beyond the verification process. But we appreciate receiving such information, so that we can present this to the authorities of DRC. As is clear from the explanation above, the current procedure of permit verification does not look at management of harvest permits, which is an internal matter for the Government of DRC.

Finally, it is for the scientific committees (the Animals and the Plants Committee) to decide, after each meeting of the Conference of the Parties, which taxa need to be selected for review under the Review of Significant Trade. Further details on the selection process can be consulted in the text of the Resolution Conf. 12.8 (Rev. CoP13) (see <http://cites.org/eng/res/12/12-08R13.php>). If Greenpeace continues to have concerns about the legal levels of exports of *Pericopsis elata* from DRC, we would invite you to participate at the 23<sup>rd</sup> meeting of the Plants Committee, which will take place after the 17<sup>th</sup> meeting of the Conference of the Parties (2016, South Africa).