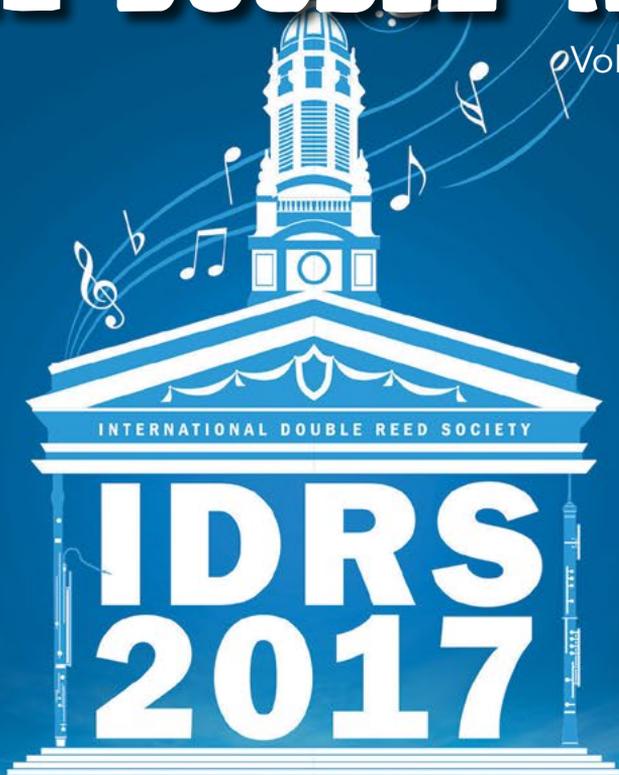




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International Double Reed Society

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June 20–24, 2017

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THE DOUBLE REED

TABLE OF CONTENTS

Vol 40 • No.1

On the Cover:

IDRS 46th Annual Conference
Lawrence University, Appleton, Wisconsin, USA
June 20–24, 2017

IN THIS ISSUE:

**The Maestro of Life:
Bert Lucarelli's *We Can't
Always Play Waltzes***

Kristin Letterman

pg. 54

Always Play Waltzes
S WITH BERT LUCARELLI



**Why are *Phragmites australis*
Canes Grown in an Udono
Reed Bed the Best for Reeds
of the Japanese Wind
Instrument Hichiriki?:
A Structural and
Biomechanical Study**

*Masahiro Kawasaki, Tadashi
Nobuchi, Masateru Nose,
Makoto Shiojiri*

pg. 78

**The Compositional Eclecticism of Bohuslav Martinů:
Examining His Chamber Works Featuring the Oboe, Part I**

Natalie Wren | pg. 95

CITES Regulations and International Travel With Instruments

Dr. Whitney Holley
Athens, Georgia

As of January 2, 2017 all species of wood under the genus *Dalbergia* were added to Appendix II of the Convention of International Trade in Endangered Species of Wild Flora and Fauna (CITES). This includes most woods with the common names granadilla, cocobolo, rosewood, and kingwood. Oboe, English horn, clarinet, piccolo, and some French bassoon makers have historically favored woods of this genus for their instruments. The dense fibers and relatively small grain provide resonance of sound and stability in the finished product. Placement of these species on this appendix restricts transport and international sale of all goods containing any amount of material sourced from the plant, including musical instruments. Crossing the border into or out of a CITES party country without the proper documentation for your instrument could result in confiscation, possible fines, or legal prosecution depending on the country. Given the stakes it seems a subject worthy of investigation.

This article will focus on individuals with personal instruments travelling to and from the United States. Every CITES party country has slightly different interpretations of the regulations and their annotations, though there is continued work to unify on these subjects on an international level.¹ As such, it is important to contact the relevant offices not only of the country you are traveling from if it is not addressed here, but also the countries you are traveling to. Some countries, including members of the European Union, have adopted more strict interpretations than the United States and will likely require additional documentation. This article will also address instruments containing only restricted plant materials currently on Appendix II of CITES. Materials included in Appendix I, such as Brazilian rosewood are subject to much stricter regulation and in many cases international transport is prohibited entirely. If your instrument includes restricted animal products (ivory, tortoise shell, etc.) additional paperwork and inspection will be necessary.

What is CITES?

CITES stands for Convention of International Trade in Endangered Species of Wild Flora and Fauna. In 1975 the CITES convention went into effect after having been signed by 80 representatives of countries, expanding the protections provided for animals by the Lacey Act in the United States to plants as well. Currently 183 countries including the United States and European Union are party to the convention, agreeing to enforce the directives of the convention through national laws and regulations. The goal of the convention is to protect species in the long-term through sustainable harvest and trade practices. Currently, more than 30,000 species are protected in

[Back to Table of Contents](#)

the three appendices. Appendix I includes species in danger of extinction and thus trade is limited to extraordinary circumstances. Appendix II, to which *Dalbergias* now belong, contains species that are not currently threatened by extinction, but for which trade must be controlled to ensure their continued survival. Appendix III contains species that are protected by at least one party country that has asked CITES to assist in control of trade; although such species may not necessarily be in any imminent danger.

This is not the first time instrument makers and performers have had materials central to instrument manufacture regulated under CITES. In 1992 Brazilian Rosewood, favored by guitar, bassoon, recorder, and piano makers, was the first tree added to Appendix I, prohibiting harvest and manufacture of all products after that date. Other naturally derived products used in the past for a variety of instruments such as Pernambuco wood, ivory, tortoise shell, and ebony have been included under the protection of the convention (either Appendix I or II) for decades.

The fact that *Dalbergias* are on Appendix II rather than Appendix I means they are not as heavily regulated and are still available for non-commercial and commercial use. However, additional documentation is often necessary to prove the wood was harvested in compliance with the sustainability practices established by the convention. It also requires persons carrying an instrument made of regulated materials across borders into or out of CITES party countries to show documentation commiserate with the international agreement.

Who is Affected by this New Regulation?

In essence, anyone passing through Customs and Border Control in the United States carrying more than 10 kg (22 lbs) of protected wood or planning to sell any amount of protected wood internationally requires a certificate from government agencies. The certificate should indicate either that the wood was harvested before the material was added to CITES or that it was harvested in a manner commiserate with the regulations. Unfortunately, the use of instruments for performance often falls into a grey area relative to definitions of “commercial” that interim committees of CITES are still trying to clarify.² Before going any further, it is highly recommended that owners consult the relevant agencies of countries to which travel or shipment is planned well in advance.³ In addition, individuals need to ensure they are compliant in terms of paperwork before instruments arrive at their destination. Let’s begin by breaking the requirements for certification down just a bit.

Wood

If your instrument is made of granadilla (granadillo), cocobolo (cocobolo, cocabola), rosewood, or kingwood then it falls under the protection of CITES, as these are all common names for more than 50 species of *Dalbergias*, and you will need to check regulations if you plan travel with this instrument.

Weight

This is the first place where international regulations may differ depending on where you are traveling. According to US interpretations of the regulation, if the total amount of controlled material within your instrument weighs less than 10 kg (22 lbs) AND it is non-commercial travel (addressed further below) then you do not need a certificate to travel with it.⁴ This means only the wood in the instrument is taken into consideration when determining weight, not key work, cases, etc. Most instruments fall under this weight limit, with the exception of some basses, some percussion instruments, and perhaps contrabassoons. It is important to note that some countries may interpret the 10 kg as the cumulative weight of the item in transport, meaning key work, case, etc. which would increase the number of instruments requiring paperwork.

The Personal Effects and Household Wares Annotation is a possible way to work around the weight issue, but not all CITES party countries recognize it.⁵ According to this exception, if you are travelling with the instrument in your carry-on or checked bag during travel and it is for non-commercial use then you do not need a certificate. However, items are still subject to inspection and sources at Fish and Wildlife recommend printing two copies of the regulation and keeping one with you and the other with the instrument during shipment and travel.⁶ Again, not all countries recognize this exception so be sure to check with the authorities in whatever countries your instrument will be going to as they may require paperwork of their own.

Commercial Use

Largely in an effort to simplify this process for musicians, CITES parties have agreed that paid performance and performance in competition resulting in monetary award both qualify as non-commercial use of instruments. This means that if your instrument is less than 10 kg and you are travelling with it or shipping it for performance, even if it's paid, then you do not need CITES certificates.

There are two common commercial situations that necessitate CITES documentation for private owners. The first is shipping or carrying an instrument for repair resulting in payment by either party. Regardless of the weight, CITES documentation is necessary as this is deemed commercial use. If the repair is free or under warranty then documentation is not necessary.

The second situation is a bit more nuanced and warrants more extensive discussion: buying or selling an instrument containing CITES regulated materials across international borders. The exchange of money for an instruments made of regulated materials across international borders always requires CITES documentation, even if the instrument was made prior to the addition of the material to Appendix II. These instruments are known as "pre-convention." If you are buying an instrument from outside of the US and bringing it into the country, you do not need an import permit if it contains wood harvested before the wood was added to CITES, which is the case for most instruments currently available for purchase. You will, however,

[Back to Table of Contents](#)

need a certificate of export from the originating country which would be issued by the CITES authority in that country. The original certificate must travel with the instrument/shipment but copies of the certificate should be kept by both the buyer and seller during travel. Also, keep the certificate and plan to pass it on to the next owner should you sell the instrument in the future.

If you are selling an instrument containing controlled materials across international borders, things get a bit more complicated. It must be declared, shipped through the appropriate port, undergo multiple inspections, and travel with appropriate export and import documentation. This appears to be the case even if the owner is traveling with the instrument. Commercial dealers will likely take care of much of this paperwork for their customers, though it would be worth the effort to ask for the certificates associated with the instrument and maintain records after purchase, including bills of sale and any import/export paperwork regardless of who the instrument is purchased from.

Applying for a CITES Certificate

As previously stated, unless an instrument contains more than 10 kg (22 lbs) of regulated material and/or it is being sold abroad, according to US authorities a CITES certificate is not necessary, though other countries may require documentation.⁷ There are currently several CITES Certificates available through United States Fish and Wildlife Services, one of which is most likely to be of use to individual instrument owners for non-commercial travel with instruments over 10 kg. It is important to note that even with proper documentation from US CITES Authorities it is a good idea to contact CITES authorities in any country to which travel is planned with an instrument to ensure that their criteria has been met as well. Once submitted, the application should take 45-60 days to process, though the increase in applications and lack of digital submission options for forms and payments have caused some delays in the process.⁸ The Musical Instrument Passport is issued to individuals, may be used for multiple border crossings, and is valid for three years.⁹ In order to complete the application you will need to know the scientific name of the specific species contained in your instrument. Recognizing that many instrument owners will not know that, for pre-convention instruments, the genus will suffice when paired with the common name of the wood.¹⁰ If you are unsure of this information, it is highly likely that provided with the serial number, the manufacturer of your instrument could provide the information. In addition, they should be able to certify the age of the instrument which is also required for the application. A bill of sale would also suffice for the latter requirement.

Final Remarks

Although this regulation may not greatly impact the majority of private oboe, English horn, and bassoon owners, it is important to be aware of CITES regulations in any country you may be travelling to or from as some party countries, including the

European Union, have instituted more strict requirements. Even if your instrument does not require documentation, it may be subject to inspection regardless of where you travel.

Further Information

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

<https://cites.org/>

United States Fish and Wildlife Services

www.fws.gov

List of International CITES Authorities Including Contact Information

<https://www.cites.org/eng/cms/index.php/component/cp>

League of American Orchestras Webinar on CITES Regulation of Rosewood, including Q & A

<https://1sourceevents.adobeconnect.com/p9505cbidb6/>

Fish and Wildlife Services Questions and Answers: Recent Changes to CITES Rosewood Protections

<https://www.fws.gov/international/pdf/questions-and-answers-appendix-II-timber-listings-December-2016.pdf>

Application for Export/Re-export of CITES Regulated Plants and Plant Products (travel or shipment for commercial purposes)

<https://www.fws.gov/forms/3-200-32.pdf>

Application for Musical Instrument Certificate (individual instrument over 10 kg, non-commercial purposes)

<https://www.fws.gov/forms/3-200-88.pdf>

Information Regarding Ports and Regulations for Commercial Shipment and Travel

<http://www.aphis.usda.gov/aphis/ourfocus/importexport>

Endnotes

- 1 “NEW Rules for Protected Species and Musical Instruments! Webinar_0.” Accessed April 1, 2017. <https://1sourceevents.adobeconnect.com/p9505cbidb6/?launcher=false&fcsContent=true&pbMode=normal>.
- 2 “Questions-and-Answers-Appendix-II-Timber-Listings-December-2016.pdf.” Accessed April 1, 2017. <https://www.fws.gov/international/pdf/questions-and-answers-appendix-II-timber-listings-December-2016.pdf>.
- 3 Ibid.
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- 6 NEW Rules.
- 7 Questions-and-Answers.
- 8 Ibid.
- 9 NEW Rules.
- 10 Questions-and-Answers.

[Back to Table of Contents](#)