

January 5, 2012

Docket No. FWS-R9-IA-2011-0087
Division of Policy and Directives Management
U.S. Fish and Wildlife Service
4401 North Fairfax Drive
MS 2042-PDM
Arlington, VA 22203

Re: Request for Information for CITES Conference of the Parties
Docket No. FWS-R9-IA-2011-0087

Gentlemen:

This letter is submitted by NAMM, the trade association for the international music products industry, in response to the request for information and recommendations on Resolutions, Decisions and Agenda Items for consideration of the 16th Conference of the Parties (CoP) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora, published in the *Federal Register* on November 7, 2011 (76 FR 68778). NAMM's comments set forth the following recommendation:

- The Fish and Wildlife Service should recommend that the CoP adopt a process for streamlined cross-border transport of musical instruments containing CITES-listed species.
- Clarification is needed for definitions of sawn wood and veneer for timber species listed on Appendix II and III.

I. NAMM: Who We Are and Who We Represent

Founded in 1901 and headquartered in Carlsbad, CA, NAMM has more than 9,000 members in the United States and 100 other countries and is dedicated to expanding the market for music products and giving people of all ages the opportunity to experience the proven benefits of making music.

NAMM's members represent all segments of the music products industry, i.e., manufacturers, distributors and retailers, as well as all types of music products entities, including those involved in both instruments and accessories. The association's membership ranges from large companies to individual artisans producing hand-crafted products. As a



result, NAMM has a unique perspective on issues facing music products industry members of all types and sizes. All of NAMM's members are dedicated not only to expanding the market, but also to preserving the raw materials that are used in the manufacture of the products they sell.

II. Streamlined Process for Frequent Cross-Border Transport

Musical instruments have a significantly long useful life – decades are common and centuries of use are also frequent – and many contain species which have subsequently been listed on one of the three appendices of CITES.

Because of the global society in which we live, it is common for musicians, whether as individuals or part of an orchestra or band, to travel around the globe for concerts or other performances. Musicians often treat their instruments as a precious commodity and would not think of leaving the United States (or their home country if outside the U.S.) without their favorite instrument.

However, because many older instruments contain species which have subsequently been listed on one of the three appendices of CITES – more wood species are being added each year – it is often difficult for musicians to travel with their instruments because of the need to obtain CITES-related documentation and permits from their country of departure. In cases where the musician is on tour and seeks to perform in several countries, the need to obtain required permits to either export or import instruments can be extremely burdensome. Some countries recognize a “personal effects” exemption, but others do not.

Without the necessary documentation, a traveling musician faces the possibility of having his or her instrument confiscated for either a short or long period of time, as well as the possibility of being subjected to destructive testing to determine exactly what species is contained in the instrument.

Therefore, NAMM urges FWS to recommend to the CoP that either (a) a personal effects exemption for musical instruments be adopted by all parties, or (b) a process be developed by which all parties will allow free transport of musical instruments containing CITES-listed species if the owner/traveler obtains necessary documentation from the management authority of his or her country of residence, which documentation would allow the identified instrument to leave the country.



The documentation would be similar in nature to a passport which accompanies an individual traveler and for which the issuing country has verified certain necessary information.

III. Definitions needed for sawn wood and veneer for Appendix II and III timber species

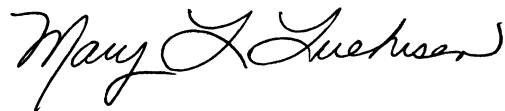
Clarification is requested on definitions of sawn wood and veneer listed on CITES appendix II and III as regulated timber species. In musical instrument manufacturing, cross border shipment of wooden instrument parts/blanks are required and it is currently not clear if and when CITES documents are needed. These parts/blanks are typically cut from sawn lumber to specific size following varying degrees of processing and are used for manufacture of musical instruments. Some examples are neck blanks, guitar/ukulele sets comprised of component parts to include back/body blanks. The current process requires CITES documentation for every shipment. This is costly and administratively burdensome since many shipments are in small lots or for samples.

IV. Conclusion

NAMM and its members believe that these recommendations would make global music-making more efficient while preserving the integrity of the CITES listing process.

NAMM would be happy to discuss these issues in greater detail with appropriate FWS personnel.

Sincerely,



Mary L. Luehrsen
Director of Public Affairs and
Government Relations
NAMM
Executive Director, NAMM Foundation

