



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL  
ENVIRONMENT  
Directorate E - Global and international affairs  
ENV.E.3 - Development and the Environment; Mediterranean

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## NOTE TO THE MANAGEMENT AUTHORITIES OF THE MEMBER STATES

**Subject:** *Swietenia macrophylla* from Brazil.

The European Commission has become aware of problems relating to shipments of *Swietenia macrophylla* (Brazilian or big leaf mahogany). These originated in Brazil and have arrived in several Member States. They are accompanied by export permits whose legality has become a matter of dispute.

Brazil is one of those countries for which the species is listed both in Appendix III of the Convention and in Annex C of Commission Regulation 338/97 (as currently in force). Accordingly, the Brazilian Management Authority is required to issue export permits for specimens of this species. In order for such export permits to be valid under the Convention, the Management Authority must be satisfied that the specimens were not obtained in contravention of the laws of the State for the protection of fauna and flora. Article 4(3)(a) of Council Regulation 338/97 in turn requires that such export permits be issued in accordance with the terms of the Convention.

Brazil – as of 5 December 2001 – has banned trade in all but certified timbers of this species but it has indicated that illegal logging is taking place. The shipments in question here have arrived in several Member States accompanied by export permits from the Brazilian Management Authority. Following consultations, the Management Authority has indicated that they were issued on foot of instructions from courts of first instance which are appealed. In a number of other cases the earlier court decision was reversed on review.

In the light of this correspondence, the CITES Secretariat has concluded that there appear to be reasonable grounds for doubt as to whether the Management Authority of Brazil was satisfied that the specimens had not been obtained in contravention of national conservation legislation. Accordingly, in the absence of a clear statement from Brazil that they were legally acquired, the Secretariat is of the opinion that the export permits were issued contrary to the provisions of the Convention and should not be accepted.

Based on this opinion and on the requirements of Council Regulation 338/97, the European Commission advises Member States not to accept export permits for specimens of *Swietenia macrophylla* from Brazil until further notice without first obtaining from the Brazilian authorities a statement that those specimens were legally acquired.

The matter will be discussed at the Committee meeting on 17 May.

Yours sincerely,

"signed"  
Christoph BAIL  
Head of Unit

c.c.:                   Scientific Authorities