

Revised EU Guidance on Ivory trade

Questions and Answers on musical instruments

(Revised 2022)¹



How should musical instruments with pre-convention ivory be interpreted?

The age of the instrument is not relevant. The ivory must have been obtained before 1975 but not necessarily have been altered before that date.

If a musical instrument contains pre-1947 ivory, does it fall under the conditions for “pre-1947 antiques”?

Two types of applications may be eligible for obtaining an intra-EU certificate, each with their own set of conditions that need to be complied with:

- applications for musical instruments with post-1947 and pre-1975 ivory; *and*
- applications for objects containing pre-1947 ivory, which can be considered pre-1947 antiques.

If the requirements of one exemption are fulfilled, it does not matter whether the requirements of the other exemption are met or not.



How should the terms “recently” and “performing artist” in the definition of the “Pre-1975 musical instrument” be interpreted?

The most relevant criterion is that the instrument should not merely be a decorative object. “Performing artist” should be interpreted as someone using the instrument to play in accordance with the instrument’s purpose.

“Recently” is not a fixed period of time, but needs to be applied on a case by case basis. In this context, instruments that are temporarily unused are not excluded from the definition of pre-1975 musical instrument.

Should the applicant for a certificate to sell a musical instrument (post-1947 but pre-1975) be the “performing artist” himself?

Considering that the instrument to be sold is not necessarily owned by the “performing artist”, the applicant for a certificate to sell a musical instrument (post-1947 but pre-1975) should be the owner, whoever that is.

Should the age of ivory contained in musical instruments be specified on certificates?

There is no obligation under the EU rules to specify the age of ivory on certificates. However, the more detailed information is provided, the easier the traceability afterwards.

¹ This informal document has been prepared by the CITES Expert Group composed of DG Environment and the CITES Management Authorities of the EU Member States in 2022.

Does restoring a musical instrument containing pre-1975 ivory need a permit if:

A) The ivory parts are not touched?

No certificate required.



B) Ivory is added?

Two certificates are required:

- A certificate to legally acquire raw ivory to repair the musical instrument should be requested by the individual/ company performing the repair / restoration.
- A certificate to use the ivory for the repair of the musical instrument should also be requested by the individual/ company performing the repair.

C) Ivory is removed?

A certificate is required, to be requested by the owner of the removed ivory.

Is an instrument maker allowed to transfer his pre-1975 musical instruments' stock to a colleague (e.g. in case of cessation of activity) without a permit?

If the instrument maker who has taken over the stock will use the ivory for commercial purposes (e.g. to repair instruments), he or she will need to apply for a certificate.

Do stocks of ivory already declared in a Member State under a pre-existing regulation need to be declared again under the new EU regulation?

It is up to Member States to decide whether stocks of ivory already declared in a Member State under a pre-existing regulation need to be declared again under the new EU Guidance, as there is no requirement at EU level to declare stocks.



How to deal with antique ivory objects that are currently in third countries but still owned by EU nationals and have to return or will be returned at some point?

For antique ivory objects that are currently in third countries but still owned by EU nationals and have to return or will be returned at some point, an exemption would appear to be reasonable. Member State authorities have the necessary margin of discretion under the guidance.

More information:

EU Guidance on Ivory Trade
Press Release and Q & A on new rules
Factsheet on Ivory Trade in the EU

EU Wildlife Trade Regulations
CITES Website
[Contact: env-cites@ec.europa.eu](mailto:env-cites@ec.europa.eu)

