



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

Additional guidance notes for traders in worked specimens

You should read these additional guidance notes together with the general guidance notes for importers and exporters (GN1), and the general guidance notes for commercial use (GN2) where appropriate. These will give more detail on the exact procedures and requirements when you apply for licences.

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1. Commercial use within the EU

You do not need a certificate under Article 10 of the EC Regulations to sell Annex A worked specimens acquired before 1947. Specimens are defined as "worked" for CITES purposes if the specimen was made before 3 March 1947, and no further working has been carried out on it since that date (but see also Section 2 below).

Specimens originally obtained before this date, but which are not substantially altered from their natural state, do not qualify for this exemption. Examples of what is considered to be "worked" or "unworked" in respect of rhino horn and elephant ivory are given in Sections 2 and 3. For other species, where there is any doubt as to a specimen's possible status as "worked" or "unworked", please contact us for advice on whether or not you need to apply for an Article 10 certificate.

2. Rhino Horn

The UK has stricter measures on trade in rhino horn and products derived from it.

Sale

An application must be made for pre-sale approval for all worked specimens of rhino horn to be offered for sale in the UK under the antiques derogation (Article 62(3) of EC Regulation 865/2006). The [application form](#) can be found on our website.

When written confirmation has been received from AHVLA that the item meets the definition of "worked" (as contained in Article 2(w) of EC Regulation 338/1997 and clarified by European Commission guidance issued in February 2011), the specimen may be used commercially in the UK under the antiques derogation without the need for an Article 10 certificate.

Where we have provided pre-sale confirmation that we are satisfied the item meets the definition of pre-1947 “worked” and accords with current EU guidance on this definition, we shall also indicate the likelihood or not of any subsequent application for a CITES re-export certificate (i.e. for buyers wishing to export the item outside the EU) being successful in line with the strict limitations which are placed on rhino horn re-exports as set out below.

If there is any delay between pre-sale approval and subsequent sale, vendors should check the most up to date advice on the AHVLA website before offering the item for sale, as the controls on items made from rhino horn are subject to change.

Examples of rhino horn which may be considered to be “worked” or “unworked”, in line with EC guidance, are:

- Worked
 - taxidermied rhino head including horn(s), mounted or un-mounted
 - rhino horn carved or fashioned into a complete and identifiable artistic or utility object
- Unworked
 - rhino horn mounted on a plaque, shield or other type of base for wall hanging
 - rhino horn removed from a plaque, shield or other type of base
 - rhino horn with minimal or rudimentary carving

Import

Pre-1947 worked specimens of rhino horn may be imported in line with the normal requirements set out in GN1. Applications to import such specimens for commercial purposes must include documentary evidence (i.e. a valid export or re-export permit) that the specimen has been obtained in accordance with the legislation of the country of (re)export. Each application will be considered on a case by case basis.

Applications to import un-worked horn (of any age) for commercial purposes will be refused. Applications for other purposes (e.g. personal, scientific) will be considered on their merits.

Imports of rhino horns as personal effects / hunting trophies will only be allowed for non-commercial purposes. In February 2011 the European Commission reminded Member States that, as the import of rhino horns as personal effects or hunting trophies is only possible for non-commercial reasons, there is no possibility for their owners to be granted a certificate for commercial purpose within the EU under Article 8(3)(c).

Re-Export

Applications to re-export specimens of rhino horn of any description, whether or not these are considered to be genuinely worked items, will be refused except in exceptional circumstances. This is in line with guidance issued by the EU in February 2011, which states that no export or re-export permits should be delivered for rhino horns except in a very few cases, where:

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- The item is part of a genuine exchange of cultural or artistic goods between reputable institutions (i. e. museums);
- The item has not been sold and is an heirloom moving as part of a family relocation or as part of a bequest;
- The item is part of a *bona fide* scientific research project.

Additional requirements apply in relation to re-exports of rhino horn to China: applications will be refused given that domestic legislation in China prohibits import and internal trade in rhino horns, including pre-Convention and artistic items. (The only exception to this ban relates to horns mounted and imported as part of a hunting trophy.)

Please note: before issuing a re-export permit we will be following EU Guidelines on informing the CITES Management Authority of the importing country to verify they are in agreement with the importation. The identities of the re-exporter and importer will also be verified and recorded.

These restrictions will remain in place at least until the end of 2012 at which point they will be reviewed by the Commission and EU Member States.

3. Ivory

Antique worked specimens of ivory acquired in their finished worked state before 3 March 1947 are covered by the antiques derogation (Article 62(3) of EC Regulation 865/2006) and may be used commercially without a certificate.

Examples of ivory which may be considered to be “worked” or “unworked”, in line with EC guidance, are:

- Worked
 - ivory items made for jewellery, adornment, art, utility or musical instruments, including whole tusks where the surface has been carved
- Unworked
 - whole uncarved elephant tusk
 - whole polished elephant tusk

Import / re-export

Worked specimens of ivory may be imported and re-exported in line with the normal requirements set out in GN1.

4. Definition of ‘Readily Recognisable’

Article I of the Convention and Article 2(t) of Council Regulation (EC) 338/97 requires that, where specimens are identified as a controlled species, then readily recognisable parts and derivatives of that species are also controlled. The term "readily recognisable part or derivative" was interpreted by Conference Resolution 9.6 to include “any specimen which appears from an accompanying document, the packaging or a mark or label, or from any other circumstances, to be a part or derivative of an animal or plant of a species included in the appendices, unless such part or derivative is specifically exempted from the provisions of the Convention”.

We recognise that sometimes it can be difficult to identify a specimen. If a specimen cannot be identified then permits are not required. The onus is on the applicant to ensure that every effort has been made to identify the specimen where possible. If it can be identified then it should be. A customs official could deem a specimen readily

recognisable so it is essential that you are certain if it is not. If you are unsure you might want to consult an expert as an error could result in an item being seized.

Import and Export

Import and export permits are not required for specimens that are not readily recognisable, unless they are known to come from a controlled species. Our advice to (re)-exporters is that they check with the management authority of the country of import before proceeding, as their interpretation may differ. Importers should check with the CITES Management Authority in the country of export. If no export permit is issued because the specimen is not identifiable nothing is required from us either. However, please note if the other CITES Management Authority requires a permit, we would only consider an application if it was made for a controlled species (with the species name).

Article 10 Certificates

Article 10 certificates are not required for specimens that are not readily recognisable unless known to come from a CITES listed species for the same reasons as above.

Some Exceptions to Identifying a Controlled Species

- If the packaging states that it contains a controlled species (e.g. a traditional Asian medicine states that it contains tiger bone), it is controlled even if the specimen within the packet doesn't contain any tiger bone.
- Some animals and plants are listed as a group by genus or family e.g. Testudinidae spp (all Tortoises) and Orchidaceae (all Orchids). Where this is the case, if it can be identified that the specimen is from e.g. a tortoise, it is controlled, even though the actual species may not be known.
- If there are possible conservation implications (e.g. the item may be a medicinal product containing derivatives of an endangered group such as sea turtles, but the exact species is not known), the policy is to treat the specimen as if it is of the most protected species in the group and apply the licensing rules accordingly.

Mother of Pearl and Red Coral

It can be difficult to identify the exact species of Mother of Pearl. For this reason AHVLA (the UK CITES Management Authority) has decided that permits are not required if a specimen cannot be identified to species or genus level. However, if it is known that the Mother of Pearl originates from a particular species or genus that is listed on CITES, permits are required. The responsibility lies with the applicant to ensure that every effort is made to identify the specimen.

Red coral (*Corallium rubrum*) is not listed on the EC Regulations and can therefore be traded without any CITES documents.

5. Enquiries

The regulations relating to worked items are complex. If you have any further questions or would like an application form contact our enquiries desk (see GN1 or 2) or use our [website](#).