

Information leaflet **MUSICAL INSTRUMENTS**

If a musical instrument contains parts or materials derived from species listed in the Annexes to EU Regulation No. 338/97 as applicable (Regulation No. 1320/2014/EC of 1 December 2014), the musical instrument falls within the scope of the provisions regulating the trade in endangered species (CITES), which means that specific CITES permits or CITES certificates are required for the trade, the import, export or re-export to/from the EU. Examples of CITES-listed SPECIES of whose specimens parts or materials are used to manufacture musical instruments:

Elephant; ivory

Sea turtle; tortoiseshell

Brazilian rosewood

Ramin

Whale; baleen (whalebone)

Certain reptile species - lizards/snakes/crocodiles/monitors; leather

Certain slug and mussel species; nacre

Walrus; tusk

CITES Musical Instrument Certificate (MIC)

Musical instrument is accompanied by owner during travel.

for pure travel activities to concerts, recordings, competitions etc.

valid for multiple cross-border movements (import and re-export to/from third country).

Instrument must not be placed on the market with this certificate (this requires another CITES permit or CITES certificate).

What MICs are issued for

MICs can be issued for

multiple Non-commercial cross-border movements of musical instruments, for example for personal use, performance, production (recordings), broadcasts, teaching, competitions, display.

Fees, salaries etc. obtained in this connection are NOT considered commercial use for the purposes of CITES.

Requirements concerning issuance of MICs

If a musical instrument contains parts or materials derived from specimens of species listed in Annexes A, B or C of the above-mentioned EU Regulation, evidence of the legal acquisition and/or the legal import of the specimen has to be provided.

If a musical instrument contains parts or materials derived from specimens of species listed in Annex A of the above-mentioned EU Regulation, this specimen must have been acquired prior to the first placement under CITES protection (pre-Convention specimen).

The musical instrument is appropriately marked.

What MICs can be used for

A MIC allows the multiple introduction, export or re-export of an instrument for non-commercial purposes to all and from all states that are contracting parties to CITES.

To whom is the MIC issued – Box 1 of the form

In principle, to the legal owner. If the applicant is different from the legal owner, the full name and address of both the owner and of the applicant (actual exporter) should be included in the form. A copy of the loan agreement between owner and applicant should be provided to the issuing management authority. Box 3 (Importer) is to be left blank in the case of a MIC.

Description of specimens – Box 8 of the form

The description of the musical instrument should enable the competent authority to verify that the MIC corresponds to the specimen being imported or exported. The description should contain elements such as the name of the manufacturer, the serial number or other means of identification such as, for example, photographs.

Issuing authority

Management authority of the country in whose territory the applicant has his usual residence.

What to do at the customs office

In the case of the import, export or re-export of a specimen covered by a MIC the holder of the certificate shall, for verification purposes, surrender the original of that MIC as well as the original and the copy of the continuation sheet to the customs office.

After completing the continuation sheet, the customs office returns the original documents to the holder, endorses the copy of the continuation sheet and forwards that endorsed copy to the relevant management authority.

Period of validity of a MIC

3 years as a maximum. MIC ceases to be valid if

specimen is sold, lost, destroyed or stolen, or if ownership of the specimen is otherwise transferred. The owner shall, without undue delay, return to the issuing management authority the original and all copies of any MIC which has expired or is no longer valid.

Validity of documents from third countries

These MICs may be used for the introduction of specimens into the EU and for the purpose of applying for respective certificates for as long as 3 years from their date of issue. The MIC is not valid unless accompanied by a continuation sheet, which must be stamped and signed by a customs official at each border crossing.

Orchestra – CITES travelling exhibition certificate

Instruments are shipped on behalf of an orchestra (concert tours).

for pure travel activities to concerts, recordings, competitions etc. outside the EU entitles to multiple import and re-export of the instruments listed by freight shipping Instrument must not be placed on the market with this certificate (this requires another CITES permit or CITES certificate).

An orchestra may apply for one travelling exhibition certificate for the musical instruments covered by the CITES regulations.

Period of validity 3 years as a maximum.

The travelling exhibition certificate can be used as import permit, export permit or re-export certificate.

If a specimen is covered by the travelling exhibition certificate, it has to be registered by the issuing authority and marked accordingly.

The travelling exhibition certificate, too, is not valid unless accompanied by a continuation sheet.

If a musical instrument contains parts or materials derived from specimens of species listed in Annexes A, B or C of the above-mentioned EU Regulation, evidence of the legal acquisition and/or the legal import of the specimen has to be provided.

If a musical instrument contains parts or materials derived from specimens of species listed in Annex A of the above-mentioned EU Regulation, this specimen must have been acquired prior to the first placement under CITES protection (pre-Convention specimen).

The original of the travelling exhibition certificate and the original and a copy of the continuation sheet have to be surrendered to the customs office for the purpose of verification. After completing the continuation sheet, the customs office returns the original documents to the holder, endorses the copy of the continuation sheet and forwards that endorsed copy to the management authority.

Marketing of musical instruments

Where a musical instrument is to be placed on the market the following documents are required:

in case of **import** from a third country (= non-EU Member State) a CITES import permit

in case of **export** from the EU a CITES export permit

in case of **intra-EU marketing**, if materials derived from Annex A listed species were used in the instrument, a CITES certificate granting an exception from the marketing ban. Where materials derived from Annex B listed species were used to manufacture the instrument, no CITES certificate is needed; however, it must always be possible to provide evidence of the legal origin of the materials.

Application and other important information

Applications for MICs and for CITES permits and certificates have to be submitted to the appropriate Federal Ministry (BMNT), Directorate III/6, Stubenbastei 5, or online at www.cites.at.

Use Import / Export / Re-export application form and check "Other"; for orchestras, use the application form Travelling Exhibition Certificate.

In your application you should indicate ALL materials used that are derived from CITES-listed species (e.g. ivory, nacre, baleen, tortoiseshell, Brazilian rosewood) - indicate the relevant year of building, the manufacturer, date of acquisition (import, date on which the specimen was taken from the wild or date of first seizure by man) of the relevant material - as they have to be listed separately in the certificate.

Description of the instruments and presentation of a photograph allowing the authority to verify that the certificate corresponds to the instrument.

Please note that in the case of travels into the United States the import of musical instruments must be declared to the U.S. Fish and Wildlife Service:

Information U.S. CITES authority:

All wildlife (including parts and products) imported or exported from the U.S. for any purpose must be declared to the U.S. Fish and Wildlife Service; you will need to contact the Wildlife Inspector at the appropriate designated port (see <http://www.fws.gov/le/ports-contact-information.html>) to make an appointment for clearance of your shipment. At the appointment you will need to present the appropriate documentation and a completed Declaration Form 3-177 (<http://www.fws.gov/le/declaration-form-3-177.html>). The Inspector will be able to answer all your questions about the logistics for clearing the shipment. We recommend that you contact the Inspector as soon as possible to discuss the inspection requirements.

Have the continuation sheet STAMPED by a customs official both when entering and when leaving the country.

After the period of validity has expired, the CITES musical instrument certificate must be returned to the BMNT, CITES management authority, Directorate III/6, 1010 Vienna, without delay and without being asked to do so.

In the case of travels into the United States, you are recommended to bring documentary evidence of the ownership situation in the instrument (e.g. copy of loan contract, purchase contract), as imports of musical instruments containing ivory that were purchased after 25 February 2014 to the U.S. are not possible.

Information by the U.S. CITES authority on the matter:

Import Criteria for African Elephant Ivory Regarding the criteria that "the ivory has not been transferred from one person to another person in the pursuit of financial gain or profit after February 25, 2014."

My understanding is that if an item comprised of African elephant ivory, such as a musical instrument, was or is bought or sold after February 25, 2014, the issuance date of Director's Order 210, that item no longer meets the allowable criteria for the non-commercial import of worked African elephant ivory for the limited purposes of 1) a household move into the United States, 2) a musical instrument accompanying a musician on travels into and back out of the United States, and 3), a travelling exhibition (such as works of art or antiquities) that will travel into and back out of the United States. Items comprised of worked African elephant ivory that fall within these three limited categories, in addition to being accompanied by a valid CITES pre-Convention, musical instrument, or travelling exhibition certificate, must meet the following criteria: the worked ivory was legally acquired prior to February 26, 1976 and the worked elephant ivory has not been transferred from one person to another person in pursuit of financial gain or profit after February 25, 2014.

If an item is comprised of Asian elephant ivory, in addition to being accompanied by a valid CITES pre-Convention, musical instrument, or traveling exhibition certificate, it would need to meet United States Endangered Species Act antique criteria, or, if the item does not meet the antique criteria, it must meet pre-Act requirements per 50 CFR 17.4 (to meet pre-Act requirements the item could not have entered into commerce (e.g. been bought, sold, or offered for sale by you or anyone else) since the Asian elephant's Endangered Species Act listing date (June 14, 1976)).