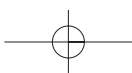


Guidance for Antique Dealers on the Control of Trade in Endangered Species



Wildlife Licensing and Registration Service





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Introduction

The Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) is an international agreement restricting trade in endangered species. In the European Union, CITES is implemented by a Council Regulation and supporting Commission Regulations which set out the rules for the import, export, and commercial use of specimens of the listed species.

Who are we?

The Wildlife Licensing and Registration Service (WLRS) is the UK CITES Management Authority and is responsible for ensuring that the Convention is properly implemented in the UK.

What do we mean by the term 'Specimen'

The Convention is not restricted to living flora and fauna, but also applies to them once they are dead, and in many cases when they no longer resemble their original appearance. It covers anything that comes from them, including eggs, feathers, tusks, teeth, shells, blood, semen, wood and seeds. So although stuffed birds and mammals are unlikely to be overlooked because of their immediate visual impact, in other cases it can be all too easy to forget an item's origin (carved ivory or wooden furniture being two of the most common examples). In this leaflet we use the term '**specimen**' to refer to all forms, parts or derivatives of a species, whether living or dead.

Extinct species are not covered by the Convention.

What is Commercial Use?

'**Commercial use**' can mean many things, not just selling something. Offering to buy, buying, keeping for sale, offering for sale, transporting for sale, selling, exchanging and displaying specimens to the public, are all treated as commercial use whether or not direct payment is involved. You should check with us at the contact number below if you do not know whether what you intend to do with your specimen will be regarded as 'commercial'. We will be happy to advise you.

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How does CITES affect antique dealers?

CITES not only affects the botanical and zoological worlds but also, through its concern with dead specimens, it has consequences for antique dealers, auctioneers and their customers.

In the European regulation species are listed in one of four annexes depending on the degree to which they are protected. Annex A lists the most endangered whilst Annex D lists the least endangered. This leaflet tells you when permits are required from the Wildlife Licensing and Registration Service (WLRS) for imports, exports, re-exports and commercial use of species listed in Annexes A and B. Annex C and D specimens are subject to fewer restrictions. Please contact us if you have any queries.

You may find that many of the species listed in Annexes A and B can turn up in the antique trade. Some of the most common examples are:

Antiques made from:	Likely to be Annex
Conch shell	B
Coral	B
Ivory	A
Mahogany*	B
Brazilian Rosewood	A
Tortoise shell	A or B, please refer to us with species type
Turtle shell	A or B, please refer to us with species type
Whale teeth	A

*There are 3 species of mahogany listed in the CITES annex B, *Anything* made from Honduras mahogany (*Swietenia humilis*) is subject to CITES controls. For other mahogany species the CITES controls only apply to logs, sawn wood, veneer sheets and plywood and these would be unlikely to appear through the antique trade in their raw state. See our leaflet on timber for more information on wood.

How do the controls work?

The controls vary depending on whether we are concerned with (1) specimens' commercial use, (2) their movement within the EU or (3) their import and export to countries outside the EU. Antique dealers in particular should bear in mind that CITES controls can apply not simply to movements across international frontiers, but also to commercial trade within the EU including within the UK.

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What if I want to sell or use a specimen commercially?

Annex A specimens

You are not allowed to use an Annex A specimen, or anything from it, commercially. However, there are two exceptions to this:

- A certificate has been granted to allow you to use that specimen commercially (we call this an Article 10 certificate), or
- The specimen you wish to use commercially is an 'antique', which satisfies certain conditions. (as below)

'Antiques' which are exempt are specimens significantly altered from their natural state for jewellery, adornment, art, utility or musical instruments, before **1st June 1947**. They must have been obtained in this condition and require no further crafting for the purpose for which they are intended. If the specimen came into someone's possession before that date, but is substantially unaltered from its natural state it would not be exempt. A raw rhino horn, for example, could not be considered antique, even if it could be shown to have been acquired before 1947. Equally antique ivory snooker balls which have been reworked into umbrella handles since 1947 would NOT fall under the exemption and would require an Article 10 certificate before being displayed for sale.

Trade in **whole** ivory tusks within the UK is banned.

Annex B specimens

You do not need a certificate to use an Annex B specimen for commercial purposes.

What if I want to send a specimen to another EU country?

The EC Regulations permit free trade of CITES specimens between EU member states although commercial use certificates are needed for Annex A specimens not exempted as above. This means that you do not need import or export permits to send your antique specimen to another member state. However, you will need to check with the Department for Culture, Media and Sport if your specimen is above a certain value – see "Is there anything else I should be aware of?" below.

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What if I want to move a specimen into or out of the EU?

In this section we use the term 'export' to refer to movements of specimens out of an EU country, destined for a non-EU country, for example from the United Kingdom to the United States. By 'import' we mean movements from outside the EU into an EU country.

Unlike the position for commercial use within the EU there are no exemptions for *commercial* import and export of antique items listed on Annex A and B. You will therefore always need an import and/or export permit to bring or receive such an item into the EU or to take or send one out of the EU.

When **importing** an antique specimen into the EU you will always need to have both a CITES export permit to cover the departure from the source country and a separate CITES import permit for the arrival in the EU country of destination. Both these permits must be obtained prior to shipment. We advise you to get the export permit first as the import permit cannot be issued without it.

When **exporting** outside the EU you will always need a CITES export permit for Annex A and B items. Whether you require a CITES import permit will depend on the country of import. It is therefore essential that you find out in advance from the other country's CITES management authority the conditions that apply to the import of antiques there and how these differ from those of the UK management authority. Sometimes you will be exporting something which although now in the EU, has previously been imported into the EU. We call this a re-export and you will need to make sure that you apply for a **re-export** permit, although the procedure to follow is the same as for exports.

If a customer buys an antique including Annex A or B specimens, the regulations allow people to take these out of the EU without an export permit, but only if the antique is taken as personal luggage when the person leaves the EU. Additionally, the antique specimen(s) must have been outside the EU already at some stage. This is called the 'Personal Effects Derogation' and you should check with us for more information. If however the customer asks you, the dealer, to package and send the item on to their home address outside the EU then an export permit is needed. The 'Personal Effects Derogation' is interpreted and applied differently in some countries and it is important to tell your customer that they must check with the country of intended import before moving the item themselves without an export permit.

If you have any doubts as to what paperwork is required please contact one of the numbers given below before offering for sale, buying or attempting to import or export an item. All of the required permits and certificates MUST be obtained in advance

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Is it a criminal offence if I fail to comply with CITES?

Yes – failure to obtain one of these CITES import or export permits or a sales certificate for an item which falls outside the exemption, is an offence and could render a dealer liable on summary conviction to a fine not exceeding £5,000; or on conviction to imprisonment for a term not exceeding 2 years or an unlimited fine or both.

Is there anything else I should be aware of?

Permit and certificate application forms are available from our office or our website. Details are given below. **Applications may take up to 15 working days to process from receipt of a completed application, which for imports must include a copy of the export permit issued by the appropriate CITES Management Authority and for re-exports must include proof of import in the form of a used import permit into the EU.** Each application is considered on its own merits on a case-by-case basis.

The Cultural Property Unit of the Department for Culture, Media and Sport controls the export of certain cultural objects more than 50 years of age and valued above specified financial thresholds. Such objects may require an individual licence for removal from the UK, whether on a permanent or temporary basis. This includes movement to another EU member state.

These export licensing controls for objects of cultural interest are designed to balance the need to keep nationally important objects in this country, the rights of owners and the encouragement of a thriving art trade.

Further information on whether your item may be of interest to this department can be found in their **Guidance to Exporters of Cultural Goods leaflet**, (contact details below.)

Useful contacts

CITES General enquiries: 0117 372 8774

Fax: 0117 372 8206

E-mail address: wildlife.licensing@animalhealth.gsi.gov.uk

Wildlife Licensing and Registration Service

UK CITES Management Authority

Zone 1/17

Temple Quay House

2 The Square

Temple Quay

Bristol BS1 6EB

Export Licensing Unit

Acquisition, Export and Loans Unit

Museums, Libraries and Archives Council

Victoria House

Southampton Row

London WC1B 4EA

Tel: 020 7273 8265/66/69/73

Fax: 020 7273 1424

Useful website addresses

www.defra.gov.uk/animalhealth/cites

www.eu-wildlifetrade.org

www.cites.org

www.culture.gov.uk/3293.aspx

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