

ATG's QUICK GUIDE TO CITES

ANTIQUES TRADE gazette THE ART MARKET WEEKLY

The trade in endangered species is governed by the Convention on International Trade in Endangered Species of Wild Flora and Fauna, better known as CITES.

'Worked' antiques, however, enjoy an exemption from the controls. This is known as the 'antiques derogation'. This states that an item shall be exempt from normal sales controls if it was acquired prior to 1947 and has been significantly altered from its natural raw state for jewellery, adornment, art, utility or musical instrument before that date. Most taxidermy qualifies under the derogation too.

However, in May 2013, new guidance on the interpretation of the term 'worked' was issued by the European Commission. Many more items now require licences (a so-called Article 10 certificate) from the Animal and Plant Health Agency (APHA) before they can be sold. Meanwhile 'stricter measures' governing the sale of unworked elephant ivory, rhinoceros horn and tiger parts mean that trade in some of these items has effectively been banned. Here is a brief summary of some of the changes plus some examples.

KEY



Legal to sell within the EU. CITES 'Annex A' listed species are subject to the usual rules.



Illegal to sell regardless of age. Certificates will not be issued.



Can be sold but licences or pre-sale approval documentation will be required.

RHINO HORN



Strict rules surround the sale and export of rhino horn but it is still legal to sell 'worked' items acquired or prepared prior to 1947.

Providing they were 'worked' before 1947, taxidermy rhino heads are okay to sell, as are some of the other items pictured here – a libation cup, a string of beads and a turned bowl. Whip and dagger handles and knobkerries are also considered worked.

What cannot be sold regardless of age are uncarved rhino horns including those mounted in silver as inkwells, clocks etc, or those mounted as big game trophies on or off shields.



TIGER

The new rules have outlawed the sale of tiger claw jewellery – a staple of the colonial period – even when embellished with gold, silver and precious stones.



The May 2013 guidance has also tightened up the sale of tiger skins. Even when worked by a respected taxidermist such as Van Ingen & Van Ingen of Mysore, these can only be sold when they have been tanned and lined. Many skins include claws but when still part of the skin they are considered 'worked'.



CETACEA ETC

Items of scrimshaw (carved or incised whalebone and whale teeth) are considered 'worked' and can be sold freely within the EU subject to the usual rules. So too can objects fashioned from the shells of marine turtles, commonly known as 'tortoiseshell'.



However, the new rules mean that CITES licences are required for sawfish rostrums, whole marine turtle shells, 'raw' narwhal tusks and sperm whale teeth whatever their age. They can be sold but only when accompanied by an Article 10 certificate from APHA. Certificates cannot be obtained retrospectively.



ANTLERS & HORNS

The vast majority of mounted horns and antlers (even big game trophies) do not pose a problem – unless the species is on the CITES 'special status' list. It is important to do some homework. The springbok, for example, is not on the CITES list so the horns **below right** can be sold. The horns **below left** are from a red deer stag and present no problem. However, those **below centre** are from the Bawean deer, a critically endangered species of deer found only in the island of Bawean in Indonesia. These would require a certificate to be sold at auction.



OTHER SPECIES



It is only the parts of species listed on CITES 'Annex A' list that are problematic. The items pictured here (a silver cocktail shaker with a warthog tusk handle and three silver-mounted cow horn beakers) are permissible as the species used are not on the endangered list.



ATG's QUICK GUIDE TO CITES

ELEPHANT IVORY



The definition of what constitutes 'worked' elephant ivory within the European Union has changed significantly under the rules introduced in 2013.

For tusks or sections of tusks to be considered 'worked' they now need to be fully carved or shaped into a new form such as a paper turner. Even when tusks are polished and mounted as part of a decorative or functional object, they no longer qualify as worked.

Four of the items pictured here would no longer qualify as the tusks essentially remain in their natural state. In short, if it looks like a raw tusk, it might be a problem.

The tusk carved across its whole surface and the section of tusk fashioned as a brush pot are both permissible, as are tea caddies veneered in sheets of ivory. Painted sheets of ivory, as seen in a portrait miniature, are also considered worked.

US laws on selling ivory changed significantly in 2014. New regulations banned the commercial import of African ivory of any age while limiting the domestic and export trade to antiques defined as objects more than 100 years old.



ROSEWOOD

The term 'rosewood' can refer to any of a number of richly hued timbers.* Brazilian rosewood (*Dalbergia nigra*), the favourite of English cabinetmakers in the Regency period and the Scandinavian modernists, is now threatened by habitat loss and was CITES-listed in Annex A, Appendix I in 1992 and thus subject to tight controls.

While most pieces of antique furniture enjoy an exemption under the 'antiques derogation', any Brazilian rosewood furniture made after 1947 needs to be accompanied by an Article 10 certificate issued by APHA in Bristol in the event of its sale (or advertising for sale). Certificates cannot be obtained retrospectively.

Since January 2017, all of the other 300-plus species of rosewood have been upgraded to Annex B, Appendix II status under CITES. While no CITES certificate or permit is needed to trade these species within the confines of the EU, any Annex B species needs an import or export certificate issued by APHA when bought and sold outside EU borders.

East Indian rosewood, Honduran rosewood, cocobolo and African blackwood are now protected and are widely used in the manufacturing of musical instruments.

**Determining the precise species of rosewood can be difficult. It is possible to send a small sample of the wood for laboratory testing at the Royal Botanic Gardens, Kew (at a cost of around £120), but typically this is an invasive procedure.*



USEFUL INFORMATION

Article 10 certificates and import and export permits for wildlife specimens are available from CITES management team at the Animal and Plant Health Agency (APHA) Centre for International Trade.

Current prices:

Article 10 certificates **£31**

Import permits (outside the EU only): For animal species **£67**; for plant species **£74**

Export and re-export permits (outside the EU only): for animal species **£37**, For plant species **£59**

CITES Management Team
Animal and Plant Health Agency
Horizon House, Deanery Road
Bristol, BS1 5AH
0117 372 3700
wildlife.licensing@apha.gsi.gov.uk

Further guidance on applications at gov.uk/guidance/cites-imports-and-exports