

## TRADE IN ENDANGERED SPECIES

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 June 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.

In May 2013, new guidance regarding 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, while the UK'S '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. Prior to Brexit (January 1, 2021), the shipment of items made from endangered species from the UK to continental Europe required little paperwork. This has now changed. When shipping to/from EU countries (plus Northern Ireland, the Channel Islands and the Isle of Man) it is now necessary to supply new documentation including a CITES Import and Re-Export permit.

### RHINO HORN



There are a strict rules surrounding 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 ok 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. The export of any rhino horn from the UK is tightly controlled. In practice this means that, while it is still legal to sell rhino horn works of art in the UK, they will not always be granted licences to be sent overseas

- KEY**
-  Legal to sell within the UK and 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.



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### TIGER



The rules outlaw 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 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. 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 rules mean that CITES licences are required for sawfish rostrums, whole marine turtle shells, 'raw' narwhal tusks and sperm whale teeth whatever the age.

They can be sold but only when accompanied by a so-called Article 10 certificate from the Wildlife Licensing & Registration Service. Certificates cannot be obtained retrospectively and since 2019 it has been necessary to publish the licence number of the item for sale in a catalogue or description (both hard copy and online).



### 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.



ELEPHANT IVORY



In April 2018, the government announced in that it would introduce an ivory ban with only a small number of exemptions. Under the Ivory Act 2018 there will only be exemptions for, pre-1918 portrait miniatures, sales or loans to museums, objects of "outstandingly high artistic, cultural or historical value" and a de minimus rule that will allow for the sale of pre-1947 objects with less than 10% ivory (eg furniture inlays or the insulators to a silver teapot) and musical instruments with less than 20% ivory). However, a consultation is required on technicalities and fees and, until the Ivory Act 2018 comes into force, the following 'old' guidance still applies.

The definition of what constitutes 'worked' elephant ivory within the EU changed significantly under rules introduced in 2013. For tusks or sections of tusks to be considered 'worked' they 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.

It is important to be aware of some of the current rules outside of the UK and EU. Laws on selling ivory in the US changed significantly in 2014 with new regulations banning 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 and not all species are problematic\*. East Indian rosewood (*Dalbergia latifolia*) and Indian rosewood (*Dalbergia sissoo*) are listed by CITES in categories that refer only to raw timber rather than finished furniture. But 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 rosewood furniture enjoy an exemption under the 'antiques derogation', any furniture made after 1947 needs to be accompanied by an Article 10 certificate in the event of its sale (or advertising for sale). Certificates cannot be obtained retrospectively.

\*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 unsuitable for furniture or works of art. For some time the safe option when selling post-war rosewood was to apply for an article 10 certificate 'just in case'. However, this significantly skews the true figure of how much endangered *Dalbergia nigra* is being traded – the essence of the CITES concept. The most recent guidance from APHA is "customers should only apply for permits and certificates for *Dalbergia nigra* when they have reason to believe that the specimen is made from that species."



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  
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](http://gov.uk/guidance/cites-imports-and-exports)