



Joint contribution to the public consultation on the draft revised guidance document on the EU regime governing trade in ivory, interpreting Commission regulation (EC) No 338/97 and Commission Regulation (EC) No 865/2006

9 Feb. 2021

We are speaking on behalf of musical instruments makers and restorers, orchestras, ensembles, music groups and musicians.

We support the initiative of the European Commission to adapt and harmonise EU legislation on ivory, to ban illegal cross-border trade in ivory and protect elephants. We agree with the Commission that this is a sensitive subject that needs to be urgently addressed.

CSFI, FIM and Pearle are pleased to be given the opportunity to contribute to the consultation on the draft revised EU regime governing trade in ivory, which outlines exemptions for musical instruments containing small parts of ivory. We take this opportunity to recall that the sector is continuously looking for quality substitutes to ivory for instrument making and restoring.

We welcome the Commission's decision regarding the preferential treatment of antique musical instruments as well as instruments containing legally acquired ivory in the draft EU ivory rules, which also includes the making and restoring of instruments containing small parts of worked ivory.

An exemption for the movement of musical instruments, covering both commercial and non-commercial travelling, is essential for musicians, orchestras and music groups, as it allows them to continue to use their instruments and accessories lawfully for live performances, displays and recordings.

As the Commission rightly points out in the text, "the value for any musical instrument is intrinsic and the fact that it contains ivory is secondary when determining the value. Additionally, trade in musical instruments has never been reported as contributing to current poaching or illegal trade in ivory." We fully adhere to the assertion that the intrinsic value of a musical instrument is not related to the ivory that it contains, but to its craftsmanship as well as its artistic and cultural value.

The amount of ivory used in musical instruments is very small indeed, therefore, additional restrictions would be neither proportionate nor helpful in combatting illegal ivory trade.

To conclude, we believe that the exemptions for musical instruments proposed in the guidance document published on 28 January 2021 constitute an adequate response to the concerns of our sector. They will allow musicians, orchestras, ensembles and music groups, makers and restorers to work in a clear and lawful environment, thus contributing to the preservation and transmission of the European artistic and cultural heritage.

French Musical Instrument Organisation (La Chambre Syndicale de la Facture Instrumentale, CSFI) was founded in 1890 in Paris. It gathers companies and craftsmen who make, distribute and export musical instruments and their accessories. The CSFI also welcomes resellers and other instrument makers associations (violin, guitar, piano). Its main objectives are the protection of its members and of the musical instrument making as a whole and the development of the instrumental practice for everybody. <http://www.csfi-musique.fr/>

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The International Federation of Musicians (FIM), founded in 1948, is the only body representing musicians' unions globally, with members in about 65 countries covering all regions of the world. FIM is recognised as an NGO by diverse international authorities such as WIPO (World Intellectual Property Organisation), UNESCO (United Nations Educational, Scientific and Cultural Organisation), the ILO (International Labour Office), the European Commission, the European Parliament or the Council of Europe. <https://www.fim-musicians.org/>

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PEARLE* – Live Performance Europe represents through its member associations the interests of more than 10,000 organisations including orchestras, music ensembles, groups, festivals, concert halls, producers, promoters and service suppliers in the event technology across Europe. This includes profit as well as non-profit organisations, ranging from micro-enterprises to companies over 250 employees. Pearle* is recognised by the European Commission as a European sectoral social partner, representing the employers in the European sectoral social dialogue committee live performance. Pearle* is member of the CITES working group on annotations and electronical systems. Pearle* also has an observer status with WIPO (World Intellectual Property Organisation) and ILO (International Labour Organisation). <https://www.pearle.eu/>

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