



CROSSING BORDERS

A GUIDE FOR MUSICIANS
AND ENSEMBLES TRAVELLING
WITH MUSICAL INSTRUMENTS
CONTAINING PROTECTED SPECIES

Updated on 03 February 2020



INTRODUCTION

Travelling with a musical instrument may become complicated if your trip involves crossing international borders. If your instrument contains parts of species that are protected under the **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)**, your trip requires in-depth preparation. The aim of this guide is to provide hands-on information to musicians, music ensembles, groups and orchestras on how to comply with the applicable rules and how to apply for CITES certificates such as the musical instrument certificate (MIC) before going on tour.

Why do we need certificates?

In the past, crossing international borders with musical instruments was simple and straightforward. This has changed with the gradual enforcement of CITES rules at international level, combined with an increasing number of protected species. In order to avoid problems at borders – such as the seizure of instruments or bows by customs officials – today musicians, orchestras, music groups and ensembles must

prepare their trips and tours carefully, especially when visiting the US where restrictions are stricter than in most other countries, due to additional domestic legal provisions¹.

In 2013, the CITES parties adopted a resolution encouraging national authorities to issue a **Musical Instrument Certificate (MIC)**. This resolution was transposed into EU law² in 2015. The MIC is valid for 3 years and replaces CITES import or re-export documents. It allows you to cross international borders with your musical instrument multiple times, provided it is for non-commercial purposes (i.e. the instrument is not being offered for sale or being sold).

Non-commercial purposes include (but are not limited to)

- Personal use
- Paid or unpaid performances
- Production (records)
- Broadcast
- Teaching
- Display or competition

DEALING WITH CITES RULES IN THREE STEPS

STEP 1: IDENTIFY THE MATERIALS CONTAINED IN YOUR INSTRUMENT

- Contact your instrument maker or seller to collect information regarding the species contained in your instrument.
- If your instrument is old or antique, ask a well-established, recognised expert.
- If you intend to buy an instrument, we strongly recommend that you request information from the seller on the species used in the instrument and on the history of the instrument (successive owners) at the time of purchase, as well as any related paperwork. We also recommend that these documents indicate the scientific name of the species concerned, in order to ease and speed-up the work of CITES management authorities.

Protected species commonly used in musical instruments

- Elephant ivory
- Certain woods: *Pernambuco*, *Cedrela*, *Dalbergia* (rosewood), ebony from Madagascar
- Other material such as tortoise shell, lizard skin, whalebone, walrus tusk, mother of pearl, corals

Elephant ivory

Elephants are threatened with extinction, hence highly protected under CITES. Even if most of the instruments and bows contain a very small amount of ivory, a CITES permit such as an MIC or TEC is required.

Due to the poaching crisis and illegal trade in ivory, strict border controls are carried out by some countries, in particular the United States.

Mammoth ivory

As an extinct species, mammoth is not protected under CITES, which only covers endangered species. However, if your instrument contains mammoth ivory, you are not necessarily safe as customs officers may not be able to distinguish between elephant ivory (protected) and mammoth ivory (not protected) via a mere visual examination. One solution is to request a "negative certificate", which guarantees that your instrument does not include any protected species (based on an expert statement). Be aware that not all CITES authorities accept to issue such certificates. If your CITES authority does not issue negative certificates, we recommend that you carry with you an expert certificate as an evidence that the ivory contained in your instrument is exclusively mammoth ivory. Some CITES authorities who do not issue negative IMC accept to validate expert certificates with a simple e-mail. Do not hesitate to contact your CITES authority and ask for such an email before travelling.

Dalbergia

In August 2019, CITES Parties decided to clarify and broaden the exemption for musical instruments. **Commercial and non-commercial movements of finished musical instruments, parts, and accessories that contain *Dalbergia* genus (rosewood) are now exempt from CITES permit requirements***. This also includes *bubinga* species³ used in musical instruments.

Only *Dalbergia nigra* (Brazilian rosewood), listed in Annex I, remains subject to permit requirements.

Please note that a substantial number of woodwinds, mallet percussions (xylophones, marimbas, etc.) and string instruments may contain rosewood from different countries of origin.

Pernambuco and ebony from Madagascar

Pernambuco (*Caesalpinia echinata*) and ebony from Madagascar contained in finished musical instruments or bows are exempt from permit requirements*.

Cedrela

Cedrela contained in finished musical instruments (e.g. some classical guitars) is exempt from permit requirements*.

Antique instruments (built before 03/03/1947)

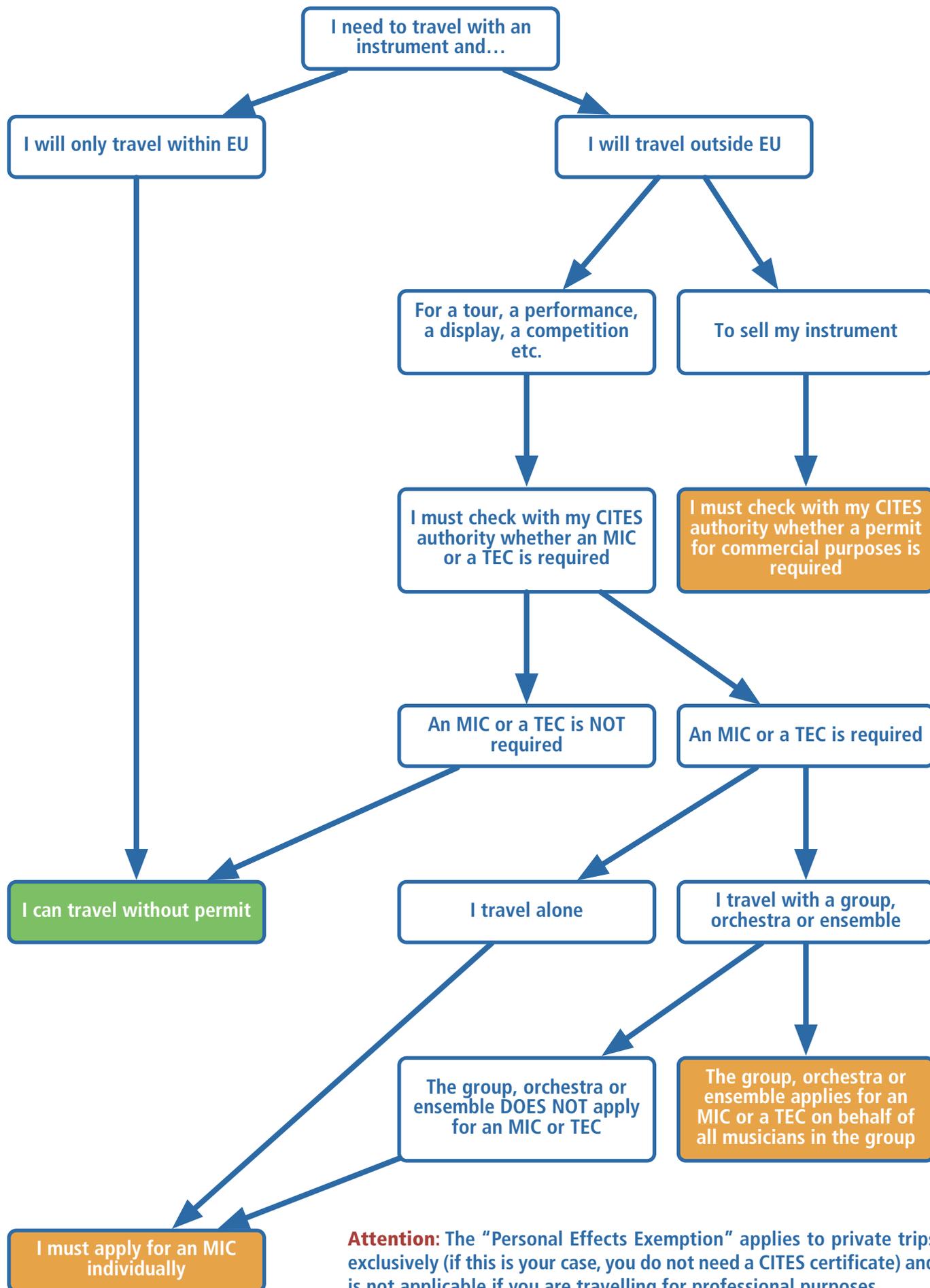
Instruments built before 3 March 1947 are "antique" according to EU law and CITES rules. An MIC is required if they contain species at risk of extinction (listed in CITES Appendix I/EU Annex A). We recommend that you contact your instrument maker and the relevant national CITES authorities before travelling with an antique instrument.

Travelling with instruments containing other species threatened with extinction

Should your instrument contain other species threatened with extinction (such as tortoise shell, lizard skin, whalebone, walrus tusk, mother of pearl or corals), we strongly recommend that you ask your competent CITES authority to contact their relevant counterparts in the destination country in advance of your trip, with the aim to be informed about possible additional domestic rules.

 ***If your instrument is exclusively made of species that are either exempt from permit requirements or not protected by CITES, you can travel safely without a permit. Be cautious though, as the presence of one single protected species may require a permit (MIC or TEC). If your instrument contains a species exempt from permit requirements, always check whether it also contains species requiring a certificate.**

STEP 2: CHECK WHETHER YOU NEED A CITES CERTIFICATE (MIC OR TEC)



STEP 3: BE FAMILIAR WITH CITES CERTIFICATE PROCEDURES

→ Contact your national CITES authority at least 3 months prior to travel in order to collect practical information about domestic rules in countries of destination and how to apply for an MIC (see next chapter if you are travelling to the US).

→ A CITES certificate (MIC or TEC) is not required if you travel exclusively within the EU territory.

→ The costs of certificate issuance may vary from country to country. It usually ranges from 0 to 100 USD / EUR.

→ The MIC or TEC are multi-use certificates (they replace single-use CITES export or import documents).

→ The MIC or TEC are valid for a period of three years.

→ You may apply for an MIC, whether the instrument is your own property or is loaned from a third party.

→ The MIC must be stamped at each of the borders you will be crossing.

→ A musical instrument may only be registered in one MIC or TEC at a time. Therefore, if you already hold one

permit, you may not apply for a second one for the same instrument, whether individually or as a group, as long as the first one is in use

Differences between the MIC and the TEC

The MIC is issued for one single instrument. Applications may be submitted by the owner or the holder of the instrument or by the ensemble/orchestra with which the musician is travelling. An instrument with an MIC may travel in the hold or as hand luggage.

The TEC was originally issued for museum exhibitions only. It was later extended to musical ensembles and orchestras. Only one TEC is needed for all the instruments travelling with the same ensemble. Depending on the country, the issuance of a TEC may therefore be cheaper than all the individual MICs combined. However, using a TEC means that all the instruments must travel together in the hold. Taking one or more of these instruments as hand luggage is not allowed.

The MIC and TEC are both multi-use certificates and are valid for a period of 3 years.

TRAVELLING TO THE UNITED STATES

The US have additional domestic rules. If you plan to travel to the US, we strongly recommend that you contact the US Fish and Wildlife Service⁴, which is the administration in charge of issuing CITES certificates, so as to ensure that you comply with these rules.

For further information, please consult the overview fact-sheet of the US Fish and Wildlife Service for musicians and manufacturers of musical instruments⁵.

Points of entry / exit

When travelling to the US with a CITES certificate (MIC or TEC), you must use specific designated ports (see the list assembled by the League of American Orchestras and the list of the US Fish and Wildlife Service). There are 18 US ports to use when travelling with instruments containing pro-

tected animal material (or both plant and animal material), and 32 ports when travelling exclusively with protected plant material. Trying to cross the border at a non-designated port with a musical instrument may result in delays and even prevent you from continuing your journey.

The 18 US designated ports

Anchorage (AK), Atlanta (GA), Baltimore (MD), Boston (MA), Chicago (IL), Dallas/Fort Worth (TX), Honolulu (HI), Houston (TX), Los Angeles (CA), Louisville (KY), Memphis (TN), Miami (FL), New Orleans (LA), New York (NY), Newark (NJ), Portland (OR), San Francisco (CA), Seattle (WA).

IMPORTANT: Always check the opening hours of the customs services at the point of entry. In the event they are closed, you may be blocked at the US border.

TRAVELLING TO/FROM THE UNITED KINGDOM

After the UK leaves the EU, travelling to and from the UK with instruments containing protected species will probably require an MIC or TEC. However, borders will remain open

until the end of December 2020 and there will not be CITES controls during this transition period.

GLOSSARY

CITES Appendix I

List of species threatened with extinction. Commercial trade in the listed species is prohibited. This includes: ivory, tortoise-shell, whalebone, Brazilian Rosewood (*Dalbergia nigra*).

CITES Appendix II

List of species that, although currently not threatened with extinction, may become so without trade controls. Includes Rosewood and Palisander species (except Brazilian rosewood) and Bubinga⁶ (*Guibourtia demeusei*, *Guibourtia pellegriana*, and *Guibourtia tessmannii*), Kosso (*Pterocarpus erinaceus*), Pernambuco (*Caesalpinia echinata*, used in bows).

CITES Appendix III

List of species for which a country has requested the co-operation of other CITES parties in helping to ensure effective control of international trade in that species.

EU Annexes A, B and C

The equivalent of the CITES Appendices I, II and III. The EU implements CITES regulations but is free to add other species or step up the level of protection within the EU.

CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora)

Also called the Washington Convention, it entered into force on 1 July 1975. As of 23 January 2020, the Convention has 183 parties (182 States and the European Union). The aim of this multilateral treaty is to ensure that international trade in specimens of wild animals and plants does not threaten their survival. In total, more than 35 000 species of animals and plants are protected by CITES.

CITES management authorities (EU and third countries)

The CITES contact points that deliver CITES permits and certificates in each country. Generally, the CITES management authorities are part of the ministry of environment or economic affairs.

See <https://www.cites.org/eng/cms/index.php/component/cp>

MIC (Musical Instrument Certificate)

The CITES certificate that is specifically aimed at travelling with musical instruments. It replaces a traditional CITES import and export document and is valid for 3 years (multiple use).

Non-Commercial Trade of instruments

Movement of musical instruments for personal use, paid or unpaid performance, display, production, teaching or competition. In a number of countries (such as EU Member

States, most of the other European countries, Japan, but not the US) this also includes international transport of an item for the purpose of being repaired or returned under warranty. The applicable rule in the country of destination should be checked with your national CITES authority.

Personal Effects Exemption

Instruments that are personally owned and legally acquired and are carried or included in personal accompanying baggage or part of a household are exempt from CITES requirements. This exemption applies within the EU and within the US. It cannot be used when travelling with an instrument for professional purposes from the EU to the US or another third country outside the EU.

TEC (Travelling Exhibition Certificate)

This CITES certificate, which was initially created for museums, was later extended by the 16th CITES Conference of the Parties (2013) to orchestras with the aim to allow the registration of all travelling instruments on one single certificate (instead of issuing an MIC for each instrument). As the implementation of the TEC is not homogeneous across EU Member States, you must contact your CITES authority to ascertain whether TECs are issued in your country.

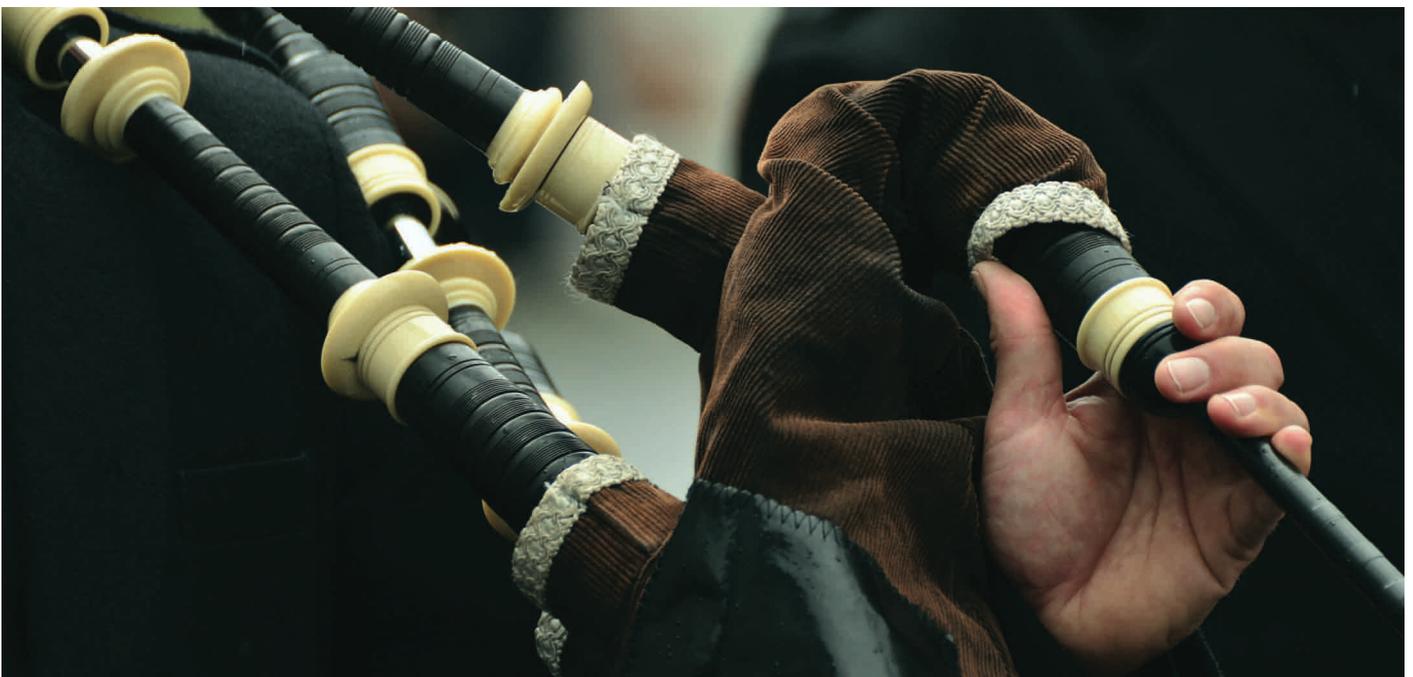


END NOTES

1. For more information, CITES Management Authorities are listed here: <https://cites.org/eng/cms/index.php/component/cp>
 2. See EC Regulation 338/97: <http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX:31997R0338>
 3. The three *Bubinga* species concerned are: *Guibourtia demeusei*, *Guibourtia pellegriniana* and *Guibourtia tessmannii*
 4. Website of the US Fish and wildlife service: <https://www.fws.gov/index-s.html>
 5. See: <https://www.fws.gov/international/pdf/factsheet-musical-instruments.pdf>
 6. The term *Bubinga* is only used by some exporting countries, whilst other countries use other names, e.g. *Kevazingo* (see <https://cites.org/sites/default/files/eng/cop/17/prop/060216/E-CoP17-Prop-56.pdf>).
- The same goes for *Dalbergia*, in particular regarding Spanish common names: <https://cites.org/sites/default/files/eng/cop/17/prop/060216/E-CoP17-Prop-55.pdf> as well as for *Pterocarpus erinaceus*: <https://cites.org/sites/default/files/eng/cop/17/prop/060216/E-CoP17-Prop-57.pdf>

REFERENCES

Species+ (list of protected species and access to CITES documents): <https://www.speciesplus.net>



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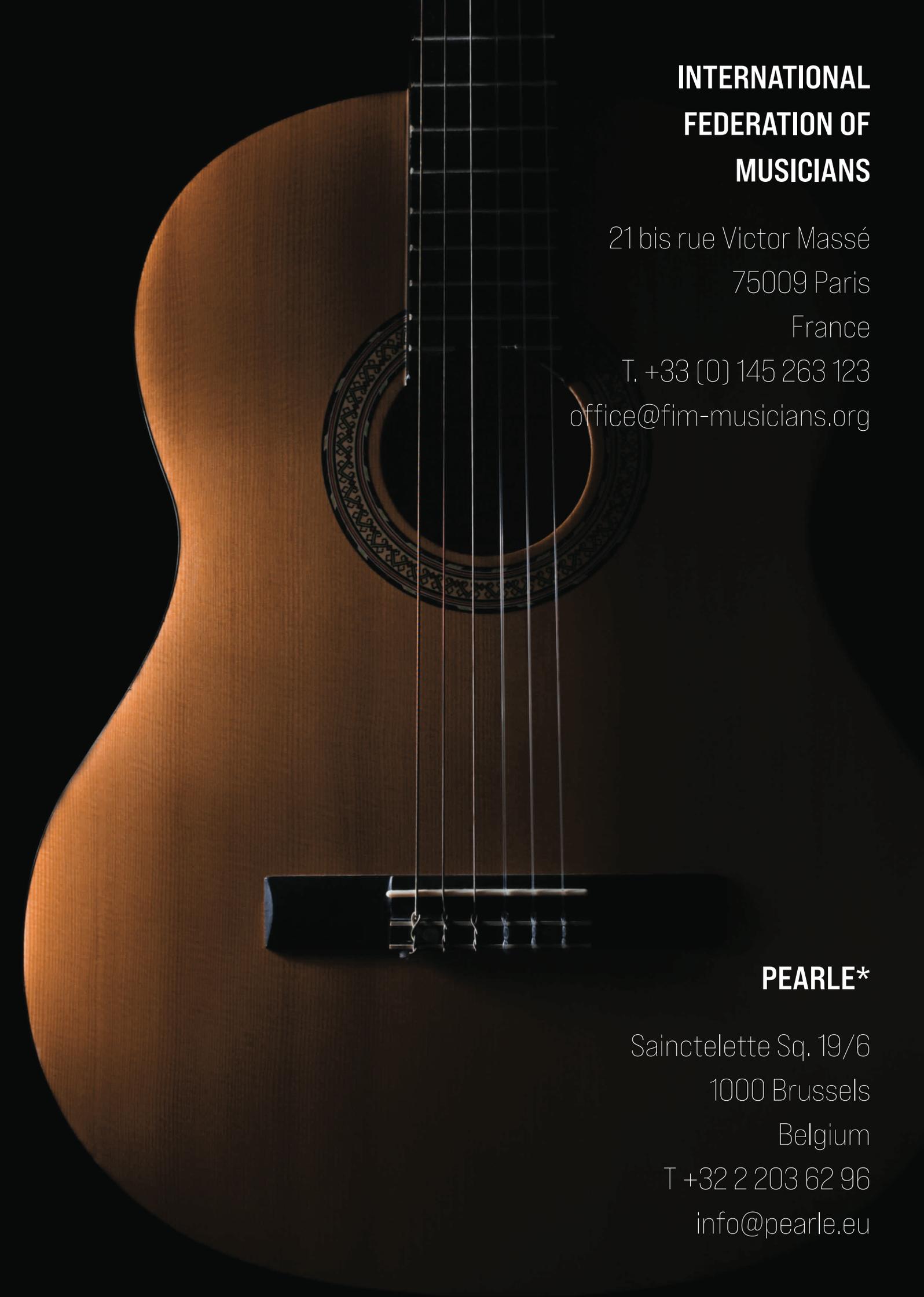
The International Federation of Musicians (FIM), founded in 1948, is the only body representing musicians' unions globally, with members in about 65 countries covering all regions of the world. FIM is recognised as an NGO by diverse international authorities such as WIPO (World Intellectual Property 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.



PEARLE* – Live Performance Europe, is the 'Performing Arts Employers' Associations League Europe'. Pearle* represents through its member associations the interests of more than 10,000 organisations including orchestras, music ensembles, groups, festivals, concert halls and producers 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.



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