



CROSSING BORDERS

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

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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.

In the past, crossing international borders with musical instruments used to be simple and straightforward. The situation changed when several governments decided to better implement existing CITES rules and increase the level of protection of endangered species, in particular African elephants. As a result, CITES rules were gradually enforced in an increasing number of countries – with an impact on travelling with musical instruments. Many musicians, orchestras, music groups and ensembles were faced with problems

at international borders or even the seizure of their instruments or bows by customs officials, especially when entering 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 **Musical Instrument Certificates (MIC)**. This resolution was transposed into EU law² in 2015. With an MIC, you are allowed to cross international borders with your musical instrument even if it contains CITES-listed protected species, as far as 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 WHAT MATERIALS ARE 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.

Highly-protected species are listed in CITES Appendix I (EU Annex A). When travelling outside the EU with an instrument containing a species listed in Appendix I, a **Musical Instrument Certificate** (MIC) or the **Travelling Exhibition Certificate** (TEC) is required. They are valid for a three-year period and multiple cross border trips. They replace regular CITES import or re-export documents only valid once within 6 months.

A number of materials used in musical instruments are listed under CITES Appendix I (EU Annex A): ivory, tortoise-shell whalebone, Brazilian Rosewood (*Dalbergia nigra*).

Unless the personal effects exemption applies, species listed in CITES Appendix II (EU Annex B) may require a CITES certificate; we therefore advise you to contact your national CITES management authority before travelling and collect relevant information on applicable rules in the country (or countries) of destination, in order to get prepared for possible questions from customs officers.

The case of *Dalbergia*

In January 2017, new rules on all *Dalbergia* species (also called Rosewood or Palisander) and three *Bubinga* species³ came into force. Nothing has changed regarding Brazilian Rosewood (*Dalbergia nigra*), which continues to be listed in CITES Appendix I (EU Annex A). Travelling with an instrument containing *Dalbergia nigra* therefore continues to require an MIC.

For the other *Dalbergia* species and *Bubinga*, the US⁴ and the EU⁵ have issued their own Questions and Answers documents, which clarify that no CITES certificate (MIC or TEC) is required for non-commercial travel (see definition on page 1) with instruments containing less than 10 kg (22.0462 lbs) of *Dalbergia* (except *Dalbergia nigra*) or *Bubinga* per instrument (hand-carried or included in a cargo shipment).

This interpretation was adopted by CITES in December 2017⁶; however, the issue will be rediscussed at the Conference of the Parties in May 2019. For the time being, we recommend that you contact your national CITES authorities, should you plan a travel with several instruments containing *Dalbergia* species.

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

The Pernambuco exemption

Pernambuco (*Caesalpinia echinata*) was listed in CITES Appendix II in 2007. Pernambuco logs, sawn wood, veneer sheets and unfinished articles used for the fabrication of bows for stringed musical instruments are classified under Appendix II. This listing does not include finished articles made of Pernambuco wood. Therefore, no certificate is required if you cross a border with an instrument/bow containing Pernambuco wood. This exemption does not apply to other protected species (e.g. ivory) that this instrument/bow may contain.

The case of Mammoth ivory

If your instrument contains mammoth ivory, make sure you carry with you evidence of the material used, as customs officers may not be able to distinguish between elephant ivory (protected) and mammoth ivory (not protected). Some CITES authorities – such as the German CITES management authority – issue “negative certificates” (on the basis of an expert declaration) with information on the presence of non-protected species, in order to ease controls at the border.

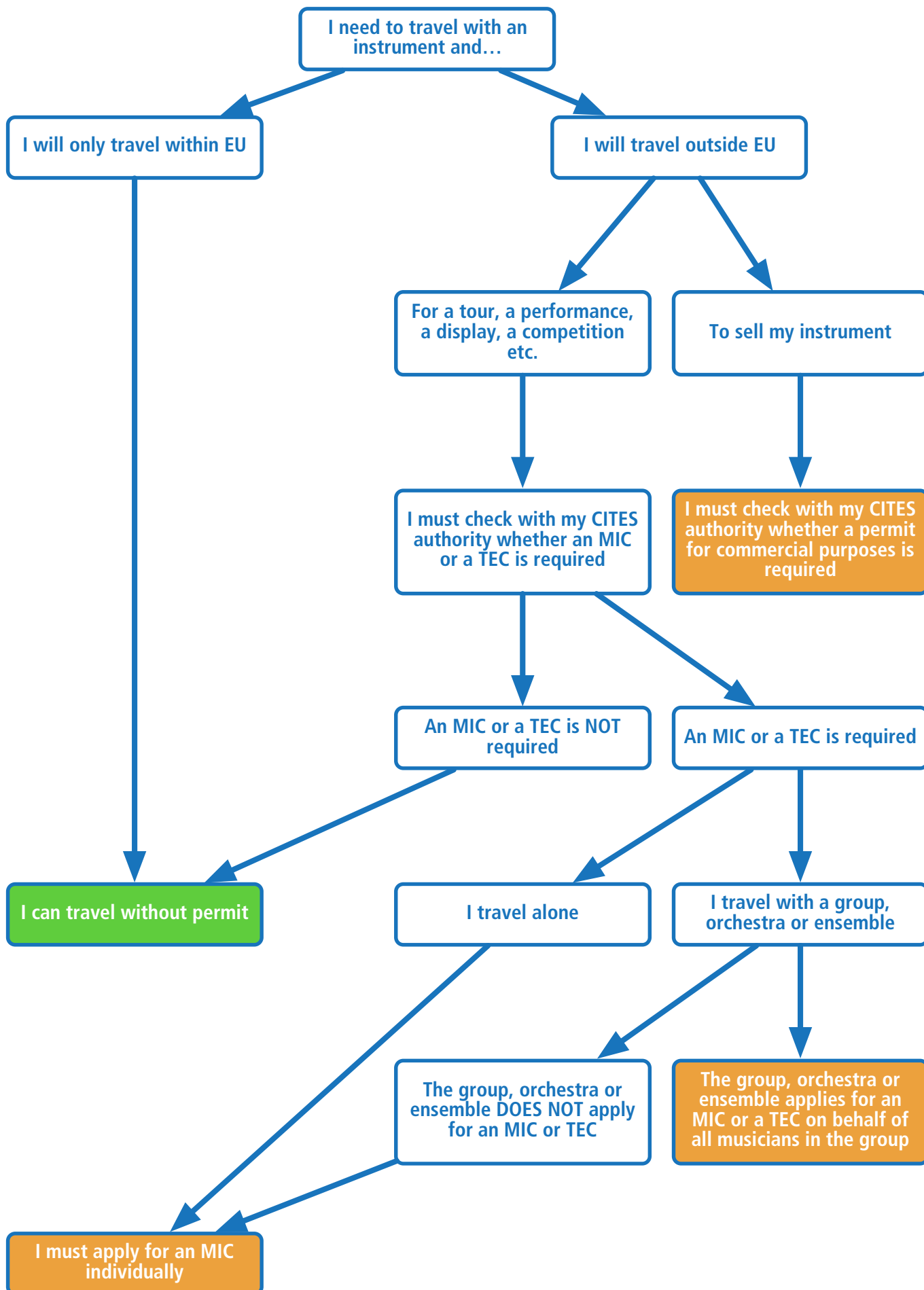
Antique instruments (according to EU Regulation: built before 03/03/1947)

Antique instruments containing CITES Appendix I (EU Annex A) species do need an MIC as well. We recommend that you contact your instrument maker and the national CITES management authority.



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



STEP3: GET 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.

TRAVELLING TO THE UNITED STATES

The League of American Orchestras gives the following advice on its website: "*Foreign-based musicians should also note that CITES permits issued outside the US may not comply with additional US domestic rules related to protected species policies*".

If you plan to travel to the US, we strongly recommend that you contact the US Fish and Wildlife Service⁸, which is the administration in charge of issuing CITES certificates. For further information, please consult the overview factsheet of the US Fish and Wildlife Service for musicians and manufacturers of musical instruments.

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 protected 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.



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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*).

Please note: EU Annex A contains all CITES Appendix I species, but also some CITES Appendix II species and non-CITES species⁹.

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 Bubinga¹⁰ (*Guibourtia demeusei*, *Guibourtia pellegriana*, and *Guibourtia tessmannii*), Kosso (*Pterocarpus erinaceus*), Pernambuco (*Caesalpinia echinata*, used in bows).

Please note: EU Annex B contains all CITES Appendix II species that are not included in EU Annex A, but also some CITES Appendix III species and non-CITES species¹¹.

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.

Please note: EU Annex C contains all CITES Appendix III species which are not included in EU Annexes A or B¹².

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 2016, 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.



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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. See *Questions and Answers: Recent Changes to CITES Rosewood Protections*:
<https://www.fws.gov/international/pdf/questions-and-answers-appendix-II-timber-listings-December-2016.pdf>
 5. See *Questions and Answers on the implementation in the EU on the listing of Rosewood and Palisander species into CITES Appendix II at CITES CoP 17*:
http://ec.europa.eu/environment/cites/pdf/cop17/implementation_of_cites_cop17_listing_of_rosewood_clean.pdf
 6. See <https://cites.org/sites/default/files/notif/E-Notif-2017-078.pdf>
 7. Website of the League of American Orchestras:
<https://americanorchestras.org/advocacy-government/travel-with-instruments/endangered-species-material/protected-species-travel-tips.html>
 8. Website of the US Fish and wildlife service: <https://www.fws.gov/index-s.html>
 9. To be found in the following regulation:
<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32017R0160&from=EN>
 10. 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>
11. See link to regulation in footnote 9
 12. See link to regulation in footnote 9

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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