

Statement by WCS at European Commission's Stakeholder Meeting on the EU Ivory Trade (28th January 2019)

The Wildlife Conservation Society (WCS) would like to thank DG Environment for organising a second stakeholder meeting on the EU ivory trade.

There is widespread consensus that legal domestic markets provide a cover for illegal markets for ivory, and facilitate poaching of elephants and ivory trafficking. This link is exacerbated because of the difficulties in differentiating illegal (new) ivory from legal (older) ivory, while also noting that not all older ivory was necessarily imported legally either. The link between the illegal ivory trade and domestic ivory markets is widely acknowledged and clearly stated in resolutions of international fora which the EU is a party to, such as Resolution Conf. 10.10 (Rev. CoP17) adopted by the Conference of the Parties to CITES in 2016 and resolution 11 adopted by the IUCN World Conservation Congress in 2016. We appreciate that the US, China, and the UK have taken strong steps to close their commercial ivory markets.

We greatly appreciate the commitment and contributions of the EU and its Member States (MS) to the conservation of elephants in the wild, and to ending elephant poaching and ivory trafficking. Unfortunately, the new proposals from the European Commission are inadequate, and fall short of the necessary EU leadership to seriously tackle elephant poaching and ivory trafficking. Although the proposal states that there is a need to simplify the current EU rules which creates confusion in enforcement, the new proposals are extremely complex and difficult to understand. A ban similar to the one just adopted in the UK, which includes very minor exemptions, would be much simpler, and less bureaucratic and difficult to enforce. A stronger and simpler regulation in the EU would also be far less expensive to enforce.

Regarding the proposal on raw ivory for commercial use within the EU, we believe that a 10 year transition period is far too long and sends a message that the EU is not treating the poaching crisis with any urgency. We see no scientific or technical reason for a 10 year period; indeed, we see no reason at all to continue to allow commercial sales of raw ivory in the EU. We consider that a transition period of 1 year is more than sufficient. In addition, we do not agree with the proposal that raw ivory should be able to be used to produce new ivory items or musical instruments. We suggest that only repair should be authorised.

Further, it is far too complicated to have different rules for 4 sets of dates and it is often impossible for enforcement officials to differentiate between ivory that is pre-1947, 1947-1976, 1976-1990, or post 1990. We therefore recommend a ban on ivory for commercial use, import into and re-export from the EU, and if necessary only the following narrow exemptions:

- Musical instruments made prior 1975, containing less than 300 g of ivory and representing less than 20% ivory by volume.
- "*De minimis*" items made prior 1947, containing less than 200 g of ivory and representing less than 5% ivory by volume.
- Sales to and between accredited museums.

That would make it far less complicated for both the regulated public and enforcement officials. The burden of proof to demonstrate the age of an item should be on the seller.

The EU must send a consistent and clear message to EU citizens and the international community. The recent EU public consultation by DG Environment resulted in almost 90,000 responses, with a large majority (92%) of respondents stating that "banning all ivory trade to, from and within the EU" should be the main priority action for the EU and EU MS. We therefore urge the Commission and MS to improve the proposals currently on the table to match EU citizens' desire to show leadership to halt the elephant poaching crisis and implement a strong ivory ban with only very limited, narrow exemptions.

For any questions or comments, please contact:

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