

SURVEY BY DG ENVIRONMENT ON IVORY TRADE IN THE EUROPEAN UNION (EU)

The purpose of this survey is to gather information and views on ivory trade in the EU. This consultation will inform decisions on the possible adoption of additional EU measures regarding ivory trade. The Directorate General for Environment of the European Commission invites written contributions to the questions below.

In recent years, elephant poaching has reached very high levels. Along with increased poaching, the illegal ivory trade has escalated, driven by the continued demand for ivory in Asian markets. At the international level, ivory trade for commercial purposes is banned, with very limited exemptions, notably for old ivory items acquired before elephants became protected under the Convention on International Trade in Endangered Species (CITES) in 1975. At the EU level, rules on ivory trade are stricter than CITES standards. Ivory trade for commercial purposes in, from and into the EU is only authorized for old ivory items, and under narrowly defined conditions.

As part of the [EU Action Plan against Wildlife Trafficking published in February 2016](#), the European Commission, in cooperation with the competent CITES Management Authorities of the EU Member States, adopted a [guidance document](#) in May 2017, recommending that EU Member States suspend the (re)export of raw ivory items from 1st July 2017 and ensure a strict interpretation of the provisions in EU law authorising intra-EU trade in ivory and the (re)export of worked ivory.

Based on the information currently available, there is little evidence that the EU represents a market for illegal ivory of elephants poached in the recent years.

The main part of ivory traded legally or illegally in or from the EU seems to consist of old ivory items, which date back from before elephants became protected under CITES. Most instances where illegal ivory from recently-poached elephants has been seized in the EU relate to items in transit from Africa to Asia, which were not destined to the EU market.

The possibility that the re-export of ivory from the EU could fuel the demand for illegal ivory in Asia, combined with an increase in the detected cases of illegal ivory trade in the EU, highlight however the need to collect further information on the EU ivory trade. The European Parliament, some EU Member States, third countries and civil society organisations have called for the adoption of further measures at the EU level to regulate more strictly, or ban altogether, ivory trade in and from the EU.

Before responding to this survey, DG Environment strongly recommends that you read the following [background information](#).

AGREEMENT ON PERSONAL DATA

***1. Please indicate your preference for the publication of your response on the Commission's website.**

- My contribution can be published, with my personal information or name of my organisation included.**
- My contribution can be published anonymously, without my name or that of organisation included.

***2. May the Commission contact you, in case further details on the submitted information in this questionnaire are required?**

- Yes**
- No

SECTION A - INFORMATION ABOUT THE RESPONDENT

***1. Are you replying as**

- an individual
- an organisation**

2. Please state your name

Janice Weatherley-Singh
Arnaud Goessens

3. Please add your email address

jweatherleysingh@wcs.org
agoessens@wcs.org

***4. Please indicate your country of origin**

United States of America

5. Please state the name of your organisation

100 character(s) maximum (100 characters left)

Wildlife Conservation Society

***6. Please select which of the following you or your organisation represents, if any, from the list below. (Select all that apply)**

- Antiques
- Auctions
- Repair/restoration
- Carving
- Musical instruments (manufacture or retail)
- Hunting
- Export/import operator
- Non-governmental organisation**
- Inter-governmental organisation
- Government agency

- Enforcement authority
- Research institute/University
- Membership or trade association
- Private individual
- Other (*please specify*)

If you selected "Other", please specify here:

***7. Your organisation's geographical area(s) of activities:** (*Select all that apply*)

- Local
- Regional
- National
- European
- International**
- Not applicable

*** 8. Is your organisation included in the Transparency Register?**

If your organisation is not registered, we invite you to register [here](#), although it is not compulsory to be registered to reply to this consultation. [Why transparency register?](#)

- Yes**
- No
- Not applicable

SECTION B - INFORMATION ABOUT YOUR INVOLVEMENT IN IVORY TRADE

Are you or your organisation directly or indirectly involved in ivory trade?

If this is not the case or you do not wish to provide this information and select no you will be directed straight to section C.

- Yes
- No

1. Please provide specific information in the table below on the types of ivory items that your organisation trades:

2. Which of the following categories does your annual company turnover fall into?

- Less than EUR 19 999
- EUR 20 000 to EUR 99 999
- EUR 100 000 to EUR 499 999
- EUR 500 000 or more
- Prefer not to say

3. What proportion or amount of your or your organisation's turnover relies on the trade of ivory today? Has this amount increased, decreased or stayed the same in the last 12 months?

4. What proportion of the ivory items you use for commercial purposes are antique? *'Antique' refers to ivory which was significantly altered ('worked') from its natural state for jewelry, adornment, art, utility or musical instruments before 3rd March 1947, and which has not been further crafted since.*

5. How do you assess the value of ivory items which you are using? For example, do you have any indicator prices by product type (e.g. cost per specific type of carving, minimum valuations by weight)?

6. What level of knowledge would you say you (or the organisation you represent) have the regulations concerning the trade or commercial use of elephant ivory in the EU?

- Excellent knowledge
- General knowledge
- Limited knowledge
- No knowledge

7. What sources of information (e.g. trade associations, press, websites) do you use to keep up to date on regulations?

8. How do you ascertain the legality of the ivory items which you are using? (For example, DNA testing, expert knowledge, experience.)

9. From the information at your disposal, what proportion of the ivory items purchased in the EU is later re-exported outside the EU? Please provide any relevant evidence you may have to support your opinion.

10. From the information at your disposal, what are the main ivory items which are the most commonly sought after in the EU for re-export outside the EU? Please provide any relevant evidence you may have to support your opinion.

SECTION C - INFORMATION ON THE ILLEGAL TRADE OF IVORY IN THE EU

1. In your experience, what is the scale of illegal trade in ivory to/from/within the EU, compared to legal trade in ivory to/from/within the EU?

- Illegal trade is much larger in scale than legal trade
- Illegal trade is slightly larger in scale
- About the same
- Illegal trade is slightly smaller in scale than legal trade
- Illegal trade is much smaller
- Don't know**

Please provide any relevant evidence you may have to support your opinion.

From the data currently available, it is difficult to substantiate whether the illegal or the legal trade in ivory is larger in scale to/from/within the EU. An analysis of the CITES Trade Database export data for elephant ivory and ivory products for 2006–2015, shows that the EU was by far the largest international exporter of legal elephant ivory items by number of reported transactions¹, but obviously there is no such database in existence with official and comprehensive data for the illegal trade in ivory. The Elephant Trade Information System (ETIS), which tracks illegal trade in ivory and other elephant products worldwide, provides relevant but limited data on the illegal trade in ivory (based on seizure data submitted to ETIS by governments). Seizure data for all EU Member States would be useful, but seizure information is always a small subset of overall illegal trade.

Evidence shows that the illegal trade in ivory is significant to/from/within the EU. Since 2015, an unprecedented number of large seizures were made in the EU, confirming the increased importance of the EU as a transit route and consumer market for illegal ivory, for example:

- In November 2016, Austrian authorities seized a record stockpile of 90 tusks in two apartments in Vienna (weighing 564 kg).²
- In June 2016, French authorities seized a total of more than 350 kg of ivory on two different occasions: one at the Roissy Charles de Gaulle airport and one in a warehouse in the Paris region.³
- In May 2016, German custom officials made a record seizure of 625 kg of tusks, cut ivory pieces and carvings at Schoenefeld airport near Berlin. This led to the arrest of two suspects in a warehouse near Koblenz, where investigators discovered an additional 570 kg of ivory, as well as grinding and cutting machines.⁴
- In May 2016, Spanish authorities seized 74 ivory tusks in Madrid (weighing around 750 kg).⁵
- In November 2015, 110kg of ivory, including tusks, carved bangles and beads, was seized in Heathrow Airport in London.⁶

In addition, ETIS shows that EU countries, such as Spain, are a major transit point in ivory trafficking.⁷ The database exposes countries implicated in the illegal trade (based on seizure data submitted by governments), even if the seizures are made elsewhere. For instance in 2012, 6 tonnes of ivory seized in Malaysia on its way to China, were initially shipped from Togo to Algeciras and then on to Malaysia.⁸

In total, seizures between 2015 and 2016 amounted to almost 3 tons of illegal ivory. It is important to underline that these seizures are likely to be only a small fraction of the actual level of ivory trafficking to/from/within the EU. Most of the ivory seized in the EU in 2016 was on its way to Asia⁹, which is the world's largest market for illegal ivory, clearly demonstrating a link between the EU's illegal ivory trade and the illegal international ivory trade.

Furthermore, the following cases show that auction houses and online auction sites in the EU have frequently been found guilty of presenting illegal ivory for sale:

- UK: three antique dealers were found guilty of offering illegal ivory on eBay in November¹⁰ and September¹¹ 2016 and in January 2014¹².
- UK: in May 2016, the auction house Christie's was sentenced £3250 for offering an item that contained unworked ivory¹³.
- UK: in May 2016, the auction house LS Smellie and Son was fined £1500 for acquiring and offering raw elephant tusks¹⁴.
- Germany: in June 2015, a court ruled on the seizure of an ivory item from a Munich auction house¹⁵.
- Sweden: in 2014, two cases were investigated where tusks for sale by auctions were proven to be more recent than claimed¹⁶.
- UK: in 2014, wrongly dated carved ivory was seized from Chiswick Auctions¹⁷.
- Spain: in March 2013, 111 pieces of ivory artificially aged were seized by Spanish authorities from two auction houses¹⁸.

1. EU Ivory Trade: the need for stricter measures (2017, January). Retrieved from https://library.wcs.org/Portals/0/Brussels/EU_IvoryTradeBrief.pdf?ver=2017-09-21-100404-133.
2. 90 illegal elephant tusks discovered in Vienna (2016, November 16). *The Local*. Retrieved from <https://www.thelocal.at/20161116/90-illegal-elephant-tusks-discovered-in-vienna-apartments>.
3. Direction Générale des Douanes et Droits Indirects (2016, June 8). Saisie de plus de 350 kg d'ivoire en Ile-de-France par la douane. *Dossier de Presse*. Retrieved from <http://www.douane.gouv.fr/Portals/0/fichiers/actualites/2016-06/2016-06-08-dossier-de-presse-saisie-de-plus-de-350-kg-d-ivoire-en-ile-de-france.pdf>.
4. \$1 million worth of illegal ivory seized in Germany (2016, September 9). *Reuters*. Retrieved from <http://www.reuters.com/article/us-germany-customs-ivory/1-million-worth-of-illegal-ivory-seized-in-germany-idUSKCN11F2FX>.
5. Spanish police seize 74 African tusks (2016, May 26). *News24*. Retrieved from <https://www.news24.com/Green/News/spanish-police-seize-74-african-tusks-20160526-5>.
6. Ivory haul at Heathrow Airport: 'Seizure one of UK's biggest' (2015, November 23). *BBC News*. Retrieved from <http://www.bbc.co.uk/news/uk-england-london-34905000>.
7. Milliken, T. (2014). *Illegal Trade in Ivory and Rhino Horn: an Assessment Report to Improve Law Enforcement Under the Wildlife TRAPS Project*. USAID and TRAFFIC. Available at <http://www.traffic.org/publications/illegal-trade-in-ivory-and-rhino-horn-an-assessment-report-t.html>.
8. Major ivory seizure in Spain (2016, May 26). *WWF Report*. Retrieved from <http://wwf.panda.org/?268873/Major-ivory-seizure-in-Spain>.
9. Commission introduces new measures to fight poaching and to end trade in raw ivory (2017, May 16). *European Commission - Fact Sheet*. Retrieved from [http://europa.eu/rapid/press-release MEMO-17-1307 en.htm](http://europa.eu/rapid/press-release_MEMO-17-1307_en.htm).
10. Aspinall, A. (2016, November 7). Antiques expert Chao Xi traded more than £9,000 of elephant ivory on eBay after buying 'trinkets' for his family. *The Daily Mirror*. Retrieved from <http://www.mirror.co.uk/news/uk-news/despicable-ivory-trader-told-think-9215763>.
11. Winter, S. (2016, September 14). Crack UK wildlife crime unit smashes plot to sell ivory on eBay. *The Daily Express*. Retrieved from <http://www.express.co.uk/news/nature/710597/Crack-UK-wildlife-crime-unit-smashes-plot-to-sell-ivory-on-eBay>.
12. Ivory trader fined just £1,375 for selling whale and dolphin bone (2014, January 24). *The Wandsworth Guardian*. Retrieved from [http://www.wandsworthguardian.co.uk/news/10962682.Ivory trader fined just 1 375 for selling whale and dolphin bone/](http://www.wandsworthguardian.co.uk/news/10962682.Ivory%20trader%20fined%20just%201%20375%20for%20selling%20whale%20and%20dolphin%20bone/).
13. Capon, A. (2016, May 24). Christie's fined £3250 for offering 'unworked' elephant ivory trophy. *The Antiques Trade Gazette*. Retrieved from <https://www.antiquetrade gazette.com/news/2016/christie-s-fined-3250-for-offering-unworked-elephant-ivory-trophy/>.
14. Robin Des Bois (2016, July 29). Information and analysis bulletin on animal poaching and smuggling. *On The Trail* (13). Retrieved from [http://www.robindesbois.org/wp-content/uploads/ON THE TRAIL 13.pdf](http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_13.pdf).

15. Elfenbein-Stoßzahn wird wohl eingezogen (2015, June 24). *The Süddeutsche Zeitung*. Retrieved from <http://www.sueddeutsche.de/muenchen/auktionshaus-klagt-elfenbein-stoßzahn-wird-wohl-eingezogen-1.2535864>.
16. Mundy, V. (2014). *The Re-export of pre-Convention/antique ivory from the European Union*. Report prepared for the European Commission. Retrieved from http://ec.europa.eu/environment/cites/pdf/Ivory%20report_Nov%202014.pdf.
17. Robin Des Bois (2014, November 3). Information and analysis bulletin on animal poaching and smuggling. *On The Trail* (6). Retrieved from http://www.robindesbois.org/wp-content/uploads/ON_THE_TRAIL_6.pdf.
18. Fajardo Del Castillo, T. (2016). *Wildlife Crime in Spain*. Report prepared for the European Parliament. Retrieved from [http://www.europarl.europa.eu/RegData/etudes/IDAN/2016/578962/IPOL_IDA\(2016\)578962_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/IDAN/2016/578962/IPOL_IDA(2016)578962_EN.pdf).

2. In your experience, what is the scale of illegal trade in ivory to/from/within the EU, compared to international ivory trafficking?

- Illegal EU trade is much larger in scale than international illegal trade
- Illegal EU trade is slightly larger in scale
- About the same
- Illegal EU trade is slightly smaller in scale than international illegal trade
- Illegal EU trade is much smaller
- Don't know**

Please provide any relevant evidence you may have to support your opinion.

From the data currently available, it appears that the illegal trade in ivory to/from/within the EU is smaller in scale than the international illegal trade, but its extent is difficult to determine.

Evidence shows, however, that the illegal trade in ivory to/from/within the EU is significant (see the cases presented in our response to Question 1 (Section C)). Most of the ivory seized in the EU in 2016 was on its way to Asia¹, which is the world's largest market for both legal and illegal ivory, thereby demonstrating a clearing link between the illegal ivory trade in the EU and international ivory trafficking.

Even if the illegal ivory trade into and from the EU is smaller than that in other regions of the world, that is no reason for the EU not to close its domestic ivory market (as called for by both the 17th meeting of the Conference of the Parties to CITES and the 2016 IUCN World Conservation Congress²). There is ample evidence that the presence of a legal domestic market within the EU contributes to illegal trade (and thereby poaching of elephants for their ivory), and as such should be closed.

1. Commission introduces new measures to fight poaching and to end trade in raw ivory (2017, May 16). *European Commission - Fact Sheet*. Retrieved from http://europa.eu/rapid/press-release_MEMO-17-1307_en.htm.
2. See the resolution WCC-2016-Res-011-EN "Closure of domestic markets for elephant ivory". Available at <https://portals.iucn.org/library/sites/library/files/documents/IUCN-WCC-6th-005.pdf> (pages 36,37).

3. In your experience, what proportion of ivory illegally traded to/from/within the EU comes from elephants which have been illegally killed in the last ten years?

- The majority of ivory traded illegally to/from/within the EU comes from elephants which have been illegally killed in the last ten years

- A minority of ivory traded illegally to/from/within the EU comes from elephants which have been illegally killed in the last ten years – the rest is old ivory items
- A small proportion of ivory traded illegally to/from/within the EU comes from elephants which have been illegally killed in the last ten years – most of it consists of old ivory items
- There is no illegal trade to/from/within the EU from elephants which have been illegally killed in the last 10 years
- **It is impossible to say/don't know**

Please provide any relevant evidence you may have to support your opinion.

Radiocarbon dating, which is costly and time-consuming, is not systematically conducted on seized ivory pieces to/from/within the EU. From the data currently available, it is therefore difficult to substantiate what proportion of ivory illegally traded to/from/within the EU comes from elephants which have been illegally killed in the last ten years. However, even if the proportion is not large, the EU should close its domestic ivory market to help the global effort to stem the trafficking of ivory and the poaching of elephants by closing a potential loophole for laundering illegal ivory into legal trade chains. As the US, China, and other countries have closed their markets, and others are proceeding to do the same, it would be counterproductive and put greater pressure on elephants if the EU remained as open as it is today.

4. In your experience, what are the main ivory items involved in illegal trade in ivory in/from the EU that you are aware of? Please provide any relevant evidence you may have to support your opinion.

From the data currently available, it appears that both raw ivory tusks and carved items are involved in illegal trade in ivory in/from the EU. See the cases presented above in our response to Question 1 (Section C). It is, however, more difficult to detect illegal carved bangles and beads compared to large ivory tusks, also due to the fact that traffickers use advanced techniques to launder illegal/new ivory by making them look legal/old/antique¹.

1. WWF's UK Chief Adviser on wildlife, Heather Sohl, stated that *"We have evidence that ivory, which dates from after 1947 is being sold in the UK as antique ivory. It is not always easy to identify modern, post 1947 ivory, and ivory that has been poached on elephants before 1947. Some pieces of ivory are tea-stained to make it look older. They are literally dipped in tea to stain the piece"*. A report by the UK House of Commons published on January 30, 2017, states that *"illegal ivory items seized by police and the Border Force in the UK have been falsely antiqued, using artificial stains or ageing techniques, clearly destined for the legal antique market"*. Available at <http://researchbriefings.files.parliament.uk/documents/CDP-2017-0034/CDP-2017-0034.pdf> (page 18).

5. In your experience, is the illegal trade in ivory more widespread:

- Within the domestic EU market
- In imports TO the EU (international trade involving the EU)
- In re-exports FROM the EU (international trade involving the EU)
- In transit through EU airports or ports from one 3rd country to another one
- **All the above**
- Don't know

6. In your experience, what are the links, if any, between the legal ivory trade in the EU and illegal international ivory trade? Please provide any relevant evidence you may have to support your opinion.

WCS is convinced that a critical move to reduce poaching of elephants and trafficking in elephant ivory is to reduce the opportunity to launder illegal ivory through “legal” markets and it is vital to remove the economic value from ivory by closing domestic markets. The EU’s continued domestic trade in ivory sends an inconsistent and ambiguous message to the international community, as well as to EU residents. Allowing domestic trade in elephant ivory facilitates laundering, and also fuels further demand, both in the EU and worldwide. Allowing the sale of ivory reinforces its social acceptability and makes it a desirable product to own, further fuelling the illegal market and stimulating trafficking and transnational wildlife crime. Ivory trafficking is more than a conservation issue.¹ It exacerbates conflict, corruption, and poverty, and thus also weakens national security and governance in various countries.² Reports show that transnational criminal networks are now involved in ivory trafficking and likely participate in other illegal activities, such as narcotics and weapons trafficking.³ Based on our many years of experience and our scientific, technical and policy expertise on both the legal and illegal ivory trade, we are convinced that EU’s continued domestic trade in ivory compromises enforcement measures (particularly in range States) and undermines global efforts to combat ivory trafficking and elephant poaching.

There is widespread consensus that legal domestic markets provide a cover for illegal markets for a variety of products, including ivory. It is indeed very difficult to differentiate illegal ivory from legal, older ivory. Traffickers use various techniques to launder illegal/new ivory by making them look legal/old/antique⁴. As we detail below, the links between the legal and illegal ivory trade are widely accepted, including by the US Government, the Chinese Government, including the Hong Kong Government, the majority of African elephant range States, the CITES Parties, IUCN members and the IUCN World Conservation Congress, and most wildlife conservation NGOs worldwide. We therefore consider that even if the legal trade is relatively well regulated compared to some other countries, there are substantial links between the legal and illegal ivory trade in the EU. EU leadership is vital on this issue.

A report by the UNODC published in 2010 states that *“the trade in illicit ivory is only lucrative because there is a parallel licit supply, and ivory can be sold and used openly. Ivory would lose much of its marketability if buying it were unequivocally an illegal act, or if ownership of these status goods had to be concealed.”*⁵

In September 2013, eleven African elephant range states issued a joint statement, as part of the Partnership to Save Africa’s Elephants, urging other countries to *“declare or restate national moratoria on all commercial imports, exports and domestic sales and purchases of tusks and ivory products until wild elephant populations are no longer threatened by poaching”*.⁶ This commitment was then echoed and reinforced by the European Parliament Resolutions in January⁷ 2014 and September⁸ and November⁹ 2016 calling on all Member States to introduce such moratoria.

In February 2014, the Presidents of Botswana, Gabon, Chad and Tanzania and the Ethiopian Minister of Foreign Affairs launched The Elephant Protection Initiative (now counting 15 member countries), calling for the closure of domestic ivory markets: *“Any supply of ivory, including that used within legal domestic markets, is inherently likely to increase the risk to elephant populations, those charged with protection, and remote, vulnerable communities.”*

In June 2016, the US Fish and Wildlife Service announced a near-total ban on the commercial trade of African elephant ivory in the United States, restricting ivory sales to genuine antiques and items with less than 200 grams of ivory.¹⁰

At the International Union for Conservation of Nature (IUCN) World Conservation Congress (WCC) in September 2016, IUCN members acknowledged the connection between the legal and illegal trade in ivory and adopted a motion by an overwhelming majority, calling on governments to close their domestic ivory markets *“as a matter of urgency”*.¹¹

In October 2016, the 17th meeting of the Conference of the Parties (CoP17) to CITES, of which the EU and all of its Member States are Parties, adopted a resolution by consensus calling for the closure of domestic markets where they contribute to poaching and illegal trade.

In December 2016, following a previous agreement between U.S. President Barack Obama and China President Xi Jinping in September 2015, China announced a ban on all ivory trade and processing activities by the end of 2017. China is now taking active measures to fulfil this commitment.

Finally, beginning in October 2017, the UK launched a public consultation proposing to implement a total ban on ivory sales in the UK.¹²

1. Wyatt, T., Johnson, K., Hunter, L., George, R., & Gunter, R. (2017). Corruption and Wildlife Trafficking: Three Case Studies Involving Asia. *Asian Journal of Criminology*, 1-21. Available at <https://link.springer.com/article/10.1007/s11417-017-9255-8>.
2. Maguire, T., & Haenlein, C. (2015). An illusion of complicity: terrorism and the illegal ivory trade in East Africa. In *London: Royal United Services Institute. Environmental Humanities South, Seminar "Saving the Saviours"*.
Hickey, V. (2013, November 3). The Fight to End Wildlife Crime Is a Fight for Humanity, *The World Bank*. Retrieved from <http://blogs.worldbank.org/voices/Fight-to-End-Wildlife-Crime-Is-Fight-for-Humanity>.
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Milliken, T., Emslie, R. H., Vira, V., & Ewing, T. (2014). Ivory's curse –The Militarization & Professionalization of Poaching in Africa. *Born Free USA and C4ADS*. Available at http://media.wix.com/ugd/e16b55_7ccc46650a664e47b09709c97bc94933.pdf.
Korenblik, A., Leggett, T., & Shadbold, T. (2016). World Wildlife Crime Report 2016: Trafficking in Protected Species. *Vienna, Austria: United Nations Office on Drugs and Crime*. Available at https://www.unodc.org/documents/data-and-analysis/wildlife/World_Wildlife_Crime_Report_2016_final.pdf.
4. WWF's UK Chief Adviser on wildlife, Heather Sohl, stated that "We have evidence that ivory, which dates from after 1947 is being sold in the UK as antique ivory. It is not always easy to identify modern, post 1947 ivory, and ivory that has been poached on elephants before 1947. Some pieces of ivory are tea-stained to make it look older. They are literally dipped in tea to stain the piece". A report by the UK House of Commons published on January 30, 2017, states that "illegal ivory items seized by police and the Border Force in the UK have been falsely antiques, using artificial stains or ageing techniques, clearly destined for the legal antique market". Available at <http://researchbriefings.files.parliament.uk/documents/CDP-2017-0034/CDP-2017-0034.pdf> (page 18).
5. UNODC (2010). The globalization of crime: A transnational organized crime threat assessment. *Vienna, Austria: United Nations Office on Drugs and Crime*. Available at <http://www.unodc.org/unodc/en/data-and-analysis/tocta-2010.html>.
6. Kantai, R. (2013, September 26). Taking the Initiative for Elephants. *Save The Elephants*. Retrieved from <http://www.savetheelephants.org/blog/?detail=taking-the-initiative-for-elephants>.
7. European Parliament resolution of 15 January 2014 on wildlife crime (2013/2747(RSP)). Available at <http://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX:52014IP0031>.
8. European Parliament resolution of 15 September 2016 on the EU strategic objectives for the 17th meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), to be held in Johannesburg (South Africa) from 24 September to 5 October 2016 (2016/2664(RSP)). Available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-%2f%2fEP%2f%2fTEXT%2bTA%2bP8-TA-2016-0356%2b0%2bDOC%2bXML%2bV0%2f%2fEN&language=EN>.
9. European Parliament resolution of 24 November 2016 on EU action plan against wildlife trafficking (2016/2076(INI)). Available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P8-TA-2016-0454+0+DOC+XML+V0//EN>.
10. Jada, F. (2016, June 2). U.S. Bans Commercial Trade of African Elephant Ivory. *The New York Times*. Retrieved from <https://www.nytimes.com/2016/06/03/world/africa/elephant-ivory-ban.html>.
11. See the resolution WCC-2016-Res-011-EN "Closure of domestic markets for elephant ivory". Available at <https://portals.iucn.org/library/sites/library/files/documents/IUCN-WCC-6th-005.pdf> (pages 36,37).

12. See the open consultation on banning UK sales of ivory (2017, October 6). Available at <https://www.gov.uk/government/consultations/banning-uk-sales-of-ivory>.

7. What do you consider the most important problems, if any, in relation to the illegal trade in ivory in or from the EU? Please provide any relevant evidence you may have to support your opinion.

Elephants are declining significantly throughout Africa and Asia. Each year, at least 20,000 elephants are killed illegally for their ivory and only bold action can save this iconic animal from becoming extinct in many parts of its range.

Under the EU Action Plan against wildlife trafficking¹ published in 2016, tackling ivory trafficking is highlighted as a priority for the EU. The Commission should therefore step up to fight illegal ivory trade within the EU, take bold action and implement stronger measures to regulate the EU's legal ivory trade which contributes to the illegal trade, markets and demand in consumer countries, and the laundering of illegal ivory. New measures need to go further than the recent guidance on the EU rules governing ivory trade announced on May 16th, 2017.²

The EU must act according to the Precautionary Principle as detailed in Article 191 of the Treaty on the Functioning of the European Union³. The Article 191 clearly states that:

- “The precautionary principle enables a rapid response to be given in the face of a possible danger to human, animal or plant health, or to protect the environment”.
- “In particular, where scientific data do not permit a complete evaluation of the risk, recourse to this principle may, for example, be used to stop distribution or order withdrawal from the market of products likely to be hazardous”.

As mentioned in our response to Question 6 (Section C), the 2010 UNODC report clearly states that “ivory would lose much of its marketability if buying it were unequivocally an illegal act”. Allowing domestic trade in ivory – any ivory – only fuels further trafficking and laundering, as well as demand, both in the EU and worldwide. The EU is obliged to respect the provisions in its own treaties and to pursue the precautionary principle, which unequivocally supports closing down EU's domestic ivory market.

As stated in our response to Question 6 (Section C), various resolutions from the IUCN WCC, CITES CoP17, the European Parliament, and others passed in recent years are calling on the EU and other governments to close their domestic ivory markets as a matter of urgency. In addition, we urge the EU to listen to its citizens, who are overwhelmingly in favour of tougher rules on the ivory trade. A petition to the EU institutions for the closure of the EU's ivory market has gathered more than 365,000 signatures since December 2016⁴. According to a study in September 2016, 85% of the UK public supported a complete ban on all trade in ivory⁵. The majority of contributors to the French consultation on the domestic ivory trade ban, which took place between June and July 2016, had an unfavourable opinion of the draft ministerial order because it did not go far enough. A significant number of respondents expressed full support for the order; the majority of respondents were opposed to Article 2 of the order, relating to exemptions from the prohibitions and only a relatively small number of respondents (mainly from organizations and professionals involved in the ivory trade) opposed banning ivory trade⁶.

Finally, it cannot be over-stated that the EU lacks credibility when asking other countries to close their domestic ivory markets or otherwise clamp down on ivory trafficking, whilst not doing enough about its own market. This lack of global leadership seriously limits the EU's ability to use its diplomatic power to encourage the closure of domestic ivory markets in countries where corruption and weak governance make regulation extremely difficult, and prevents the EU from taking international leadership on the issue. The EU is now being asked to close down its domestic market by other countries, for example, in a letter⁷ sent to a Member of the European Parliament (MEP), Ms. Catherine Bearder, on 24 April 2017, Ambassador and Head of the Chinese Mission to the EU, H.E. Ms. Yang Yanyi, urged the EU and European Countries to take ‘credible steps’ to effectively ban illegal trade in ivory and ivory products. Furthermore, in February 2017,

The African Elephant Coalition (AEC), made up of 29 member countries and representing 70% of African elephant range States, released a statement urging the EU to emulate China in banning its domestic ivory trade⁸. Closing the EU's domestic ivory market would lead to a strong reputational benefit to the EU and enable it to show international leadership, increasing the likelihood of other countries following suit and stepping up to fight the elephant poaching crisis.

To conclude, WCS believes that banning domestic ivory trade is not the complete answer to the poaching crisis, but is an indispensable component of the solution, along with enhanced efforts to reduce poaching, additional behaviour change campaigns and regulatory changes in consumer States, and stronger emphasis on developing sustainable alternative livelihoods for local communities.

1. See the *EU Action Plan against wildlife trafficking*, available at http://ec.europa.eu/environment/cites/pdf/WAP_EN_WEB.PDF.
2. See the European Commission's press release, available at http://europa.eu/rapid/press-release_IP-17-1308_en.htm
3. See *The precautionary principle, Summaries of EU legislation*, available at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3A132042>.
4. See the petition *Tell the EU to ban the ivory trade*, retrieved on 26 November 2017 from <https://www.rainforest-rescue.org/petitions/1076/tell-the-eu-to-ban-the-ivory-trade-now>.
5. Polling carried out by polling firm TNS in September 2016.
6. See the document *Principales conclusions de la consultation publique sur le projet d'arrêté : - relatif à l'interdiction du commerce de l'ivoire d'éléphants et de la corne de rhinocéros sur le territoire national*, available at http://www.consultations-publiques.developpement-durable.gouv.fr/IMG/pdf/Synthese_des_observations_-_consultation_AM_interdiction_ivoire_juillet_2016-V2.pdf.
7. See the letter sent to MEP, Ms. Catherine Bearder, on 24 April 2017, by Ambassador and Head of the Chinese Mission to the EU, H.E. Ms. Yang Yanyi, available at http://www.bornfree.org.uk/fileadmin/user_upload/files/Campaigns/China_Ivory_Letter_Apr17.pdf.
8. African nations urge EU to emulate china in banning ivory trade (2017, February 4). *Save The Elephants*. Available at <http://www.savetheelephants.org/about-elephants-2-3-2/elephant-news-post/?detail=african-nations-urge-eu-to-emulate-china-in-banning-ivory-trade>.

SECTION D - EU PRIORITIES IN RELATION TO IVORY TRADE

We would now like to ask for your opinion and views on the EU priorities in relation to ivory trade.

1. Which of the following do you think should be the priorities for the EU and EU Member States in relation to tackling the illegal trade in ivory within/to/from the EU? Please tick the appropriate boxes.

	This should be the main Priority Action	This should be pursued together with other priority actions	This should not be a priority	Don't know
Better enforcement of the existing EU regulations and guidelines for the trade in ivory		X		
Educating and raising awareness on the existing EU regulations and guidelines among ivory traders/customers to promote legal trade			X	
Banning all ivory trade to, from, and within the EU	X			
Banning raw ivory trade to, from and within the EU		X		
Banning trade in ivory within the EU, with well-justified exemptions		X		
Banning (re-)export of ivory from the EU, with well-justified exemptions		X		

If none of the above:

- Other
- Tackling illegal ivory trade in the EU should not be a priority for the EU

If you selected "Other", please specify here:

2. How much do you agree or disagree with the following statement?

"Illegal trade in ivory in the EU represents a marginal problem compared to the global ivory trafficking problem. Rather than changing the EU rules on ivory trade, the EU priority should be to provide support for actions against ivory trafficking in other regions (in particular, Africa and Asia), which are more important as countries of origin and destination markets for illegal ivory trafficking."

- Strongly agree

- Slightly agree
- Neither agree nor disagree
- Slightly disagree
- **Strongly disagree**

Please provide any relevant evidence you may have to support your opinion.

We strongly disagree with the statement, as the illegal trade in ivory in the EU does represent a significant problem and is an integral part of the global ivory trafficking problem, and contributes to elephant poaching. The ETIS data show that when East African States started improving enforcement, trafficking routes and illegal shipments shifted to other regions, for instance, from Togo to Asia through Spain.¹ The total ivory seizures in the EU between 2015 and 2016 amounted to almost 3 tons of illegal ivory, and these seizures are likely to be only a small fraction of the actual level of ivory trafficking to/from/within the EU (see the cases presented in our response to Question 1 (Section C)).

Furthermore, the two actions mentioned (changing EU ivory rules and supporting actions against ivory trafficking in other regions) are not mutually exclusive, as recognised by the EU Action Plan against Wildlife Trafficking. In addition to banning all ivory trade to, from, and within the EU, WCS considers crucial that the EU provides increased support for actions against ivory trafficking in other regions (in particular, Africa and Asia). This support should be in line with the recommendations provided by expert studies recently contracted by DEVCO and endorsed by a wide range of stakeholders, notably the 'Larger than Elephants' study for Africa² and the forthcoming 'Larger than Tigers' study for Asia. The EU has already committed to providing significant support to tackle these issues in the EU Action Plan against Wildlife Trafficking. In particular, the first priority (Action 1) states that the EU will "increase support for awareness-raising and targeted demand reduction campaigns in the EU and worldwide"; and the third priority (Action 26) states that the EU will "ensure that wildlife trafficking is considered for EU funding under relevant programmes"³. The EU is also committed to delivering on the Sustainable Development Goal (SDG) 15.7, which aims to "take urgent action to end poaching and trafficking of protected species of flora and fauna and address both demand and supply of illegal wildlife products".⁴

In summary, the illegal trade in ivory in the EU does not represent a marginal problem and needs to be taken seriously. WCS therefore urges the EU to ban all ivory trade to, from, and within the EU, and to provide increased support for actions against ivory trafficking in other regions.

1. Milliken, T. (2014). *Illegal Trade in Ivory and Rhino Horn: an Assessment Report to Improve Law Enforcement Under the Wildlife TRAPS Project*. USAID and TRAFFIC. Available at <http://www.traffic.org/publications/illegal-trade-in-ivory-and-rhino-horn-an-assessment-report-t.html>.
2. See the *Larger than Elephants: Inputs for an EU Strategic Approach to Wildlife Conservation in Africa - Regional Analysis* (2016, May 12), available at https://ec.europa.eu/europeaid/larger-elephants-inputs-eu-strategic-approach-wildlife-conservation-africa-regional-analysis_en
3. See the *EU Action Plan against wildlife trafficking*, available at http://ec.europa.eu/environment/cites/pdf/WAP_EN_WEB.PDF.
4. See the Sustainable Development Goal 15, available at <https://sustainabledevelopment.un.org/sdg15>.

3. How much do you agree or disagree with the following statement?

"The current EU regulations are sufficient to ensure that the EU domestic elephant ivory market does not contribute to illegal international trade in elephant ivory. Rather than changing the rules, the priority should be that people are fully aware of these rules and that they are better enforced".

- Strongly agree
- Slightly agree
- Neither agree nor disagree

- Slightly disagree
- **Strongly disagree**

Please provide any relevant evidence you may have to support your opinion.

We strongly disagree with the statement, as it is clear that current EU regulations fail to ensure that the EU domestic elephant ivory market does not contribute to illegal international trade in ivory. As we detail in our response to Question 6 (Section C), the links between the legal and illegal ivory trade are widely accepted, including by the US Government, the Chinese Government, including the Hong Kong Government, the majority of African elephant range states, CITES, the IUCN World Conservation Congress, and most wildlife conservation NGOs worldwide. There is widespread consensus that legal domestic markets provide a cover for illegal markets for elephant ivory. It is indeed very difficult to differentiate illegal ivory from legal, older ivory. Traffickers use various techniques to launder illegal/new ivory by making products look legal/old/antique¹. Most of the ivory seized in the EU in 2016 was on its way to Asia², which is the world's largest market for both legal and illegal ivory, clearly demonstrating a link between the EU's illegal ivory trade and the illegal international ivory trade.

WCS is therefore convinced that the EU must ban all ivory trade to, from, and within the EU. The best way to reduce poaching of elephants is to reduce the illegal wildlife trade, to reduce opportunities for laundering of illegal ivory, and to reduce demand for ivory. However, the EU's continued domestic trade in ivory sends an inconsistent and ambiguous message to the international community. Allowing domestic trade in elephant ivory only fuels trafficking and further demand, both in the EU and worldwide. Allowing the sale of elephant ivory reinforces its social acceptability and makes it a desirable product to own, further fuelling the illegal market and stimulating transnational wildlife crime. Based on our many years of experience and our scientific, technical and policy expertise on both the legal and illegal ivory trade, we are convinced that EU's continued domestic trade in ivory compromises enforcement measures, particularly in range States, and undermines global efforts to reduce demand for ivory and to combat ivory trafficking³.

1. Domestic Ivory Market in the UK (2017, January 30). UK House of Commons. Available at <http://researchbriefings.files.parliament.uk/documents/CDP-2017-0034/CDP-2017-0034.pdf> (Page 18).
2. Commission introduces new measures to fight poaching and to end trade in raw ivory (2017, May 16). *European Commission - Fact Sheet*. Retrieved from [http://europa.eu/rapid/press-release MEMO-17-1307 en.htm](http://europa.eu/rapid/press-release_MEMO-17-1307_en.htm).
3. Harvey, R. (2015). Preserving the African elephant for future generations. *South African Institute of International Affairs, July*, available at <http://www.saiia.org.za/occasional-papers/862-preserving-the-african-elephant-for-future-generations/file>.

4. How much do you agree or disagree with the following statement?

"The current EU regulations are not sufficient to ensure that the EU domestic elephant ivory market does not contribute to illegal international trade in elephant ivory. Further restrictions on ivory trade should be put in place at the EU level to address the problem".

- **Strongly agree**
- Slightly agree
- Neither agree nor disagree
- Slightly disagree
- Strongly disagree

Please provide any relevant evidence you may have to support your opinion.

We strongly agree with the statement. Please see our response to Question 3 (Section D).

5. In your opinion, should the EU further limit intra-EU trade in elephant ivory? If so, what should such restrictions consist of? Please provide any relevant evidence you may have to support your opinion.

YES, the EU should further limit intra-EU trade in elephant ivory. Please see our response to Question 3 (Section D).

Intra-EU trade of raw (or 'unworked') ivory should be banned, with no exceptions.

Intra-EU trade of 'worked' ivory should be banned, with two possible, narrow exemptions:

- antiques from before 1900, with documentation of provenance, that contain a *de minimus* amount of ivory, and have not been repaired with newer ivory, could be sold (ivory weighing less than 200 grams and amounting to less than 20% of the overall item);
- bona fide museums could be allowed to loan, exchange, receive donations and bequests, and display ivory, so they can preserve items of demonstrable cultural value for the benefit of the public. If museums wish to sell ivory, they should only be able to sell to other bona fide museums. Bona fide museums should fully comply with the 'museum' definition used by the International Council of Museums, with an additional requirement that the museums have been established for at least 10 years prior to its first attempt of procurement of ivory.

Many types of antique musical instruments would fall under the first of those exemptions (and they could also be acquired by museums), so there would be no need for a separate exemption for musical instruments.

Items of artistic, cultural or historic significance would be covered by the museum exemption and there would be no need for another exemption.

Any exemptions should only be allowed through a strict permitting system. The burden of proof to demonstrate that an item is an antique from before 1900 that has not been repaired with newer ivory, or is an item of demonstrable cultural value, should be on the seller (rather than government authorities).

6. In your view, which of the following ivory items should be exempt from any further regulations or guidelines regarding trade within the EU? (Select all that apply)

- Antique (pre-1947) worked ivory items
- Musical instruments
- Small worked ivory items (e.g. weighing less than 200 grams)
- Items containing a small amount of ivory but not made completely of ivory (e.g. furniture with ivory inlay)
- Pre-Convention (acquired between 1947-1990) worked ivory items
- Raw ivory items
- Other items (please specify below)**
- None of the above – all ivory items should be restricted

If you selected "Other items", please specify here:

Intra-EU trade of raw (or 'unworked') ivory should be banned, with no exceptions.

Intra-EU trade of 'worked' ivory should be banned, with two possible, narrow exemptions:

- antiques from before 1900, with documentation of provenance, that contain a *de minimus* amount of ivory that have not been repaired with newer ivory could be sold (ivory weighing less than 200 grams and amounting to less than 20% of the overall item);

- bona fide museums could be allowed to loan, exchange, receive donations and bequests, and display ivory, so they can preserve items of demonstrable cultural value for the benefit of the public. If museums wish to sell ivory, they should only be able to sell to other bona fide museums. Bona fide museums should fully comply with the 'museum' definition used by the International Council of Museums, with an additional requirement that the museums have been established for at least 10 years prior to its first attempt of procurement of ivory.

Many types of antique musical instrument would fall under the first of those exemptions (and they could also be acquired by museums), so there would be no need for a separate exemption for musical instruments.

Items of artistic, cultural or historic significance would be covered by the museum exemption and there would be no need for another exemption.

Any exemptions should only be allowed through a strict permitting system. The burden of proof to demonstrate that an item is an antique from before 1900 that has not been repaired with newer ivory, or is an item of demonstrable cultural value, should be on the seller (rather than government authorities).

7. In your opinion, would it be reasonable and proportionate for the EU to take steps to tighten the regulations on control of ivory trade within the EU, for example by requesting that all ivory traders are included on public registers or that intra-EU trade in antique items be subject to the issuing of certificates or declarations? What would be the impact (e.g. financial, logistical, environmental) of such measures? Please provide reasons and any relevant evidence on impacts you may have to support your opinion.

Given the current elephant poaching crisis¹, we believe it is reasonable and proportionate for the EU to go beyond tightening regulations and ban all trade in ivory to/from/within the EU. We also believe that a total ban would result in a lower financial, logistical and enforcement burden than trying to implement tighter regulations and controls. If there are only two narrow exemptions to the trade ban as suggested in our response to Question 5 (Section D), only a very limited number of antiquities and musical instrument traders would require inclusion on public registers and only a limited number of items would be subject to the issuing of certificates or declarations. Therefore, a total ivory ban would lead to simpler and more cost-effective enforcement measures.

In addition, a recent report published by Two Million Tusks² revealed that ivory sales represent a very small percentage – less than 1% – of the annual sales of many auction houses in the UK, which should not be significantly different from antique dealers. The report therefore suggests that a ban on the UK ivory sales is unlikely to have a significant economic impact on the vast majority of antique dealers and auction houses in the UK. There is no reason to believe that the situation in the UK regarding auction houses is significantly different from the one in the EU.

1. CITES (2017). *Report on the conservation status of African and Asian elephants, trade in elephant specimens, the African Elephant Action Plan, and MIKE and ETIS*, available at <https://cites.org/sites/default/files/eng/com/sc/69/E-SC69-51-01.pdf>.
2. The Grey Areas: A study of UK auction house ivory sales - The missing evidence (2017, October). *Two Million Tusks*. Available at <http://www.twomilliontusks.org>

8. In your opinion, should the EU further limit elephant ivory trade TO and FROM the EU? If yes, what should such restrictions consist of? Please provide any relevant evidence you may have to support your opinion.

YES, the EU should further limit elephant ivory trade to and from the EU. Please see our response to Question 3 (Section D).

Trade of raw (or 'unworked') ivory to the EU should be banned, similarly to the trade of raw (or 'unworked') from the EU to third countries which is already banned.

Trade of 'worked' ivory to and from the EU should be banned, with two possible, narrow exemptions:

- antiques from before 1900, with documentation of provenance, that contain a *de minimus* amount of ivory, that have not been repaired with newer ivory, could be traded to and from the EU (ivory weighing less than 200 grams and amounting to less than 20% of the overall item);
- bona fide museums could be allowed to loan, exchange, receive donations and bequests, and display ivory, so they can preserve items of demonstrable cultural value for the benefit of the public. If museums wish to sell ivory, they should only be able to sell to other bona fide museums. Bona fide museums should fully comply with the 'museum' definition used by the International Council of Museums, with an additional requirement that the museums have been established for at least 10 years prior to its first attempt of procurement of ivory.

Many types of antique musical instrument would fall under the first of those exemptions (and they could also be acquired by museums), so there would be no need for a separate exemption for musical instruments.

Items of artistic, cultural or historic significance would be covered by the museum exemption and there would be no need for another exemption.

Any exemptions should only be allowed through a strict permitting system. The burden of proof to demonstrate that an item is an antique from before 1900 that has not been repaired with newer ivory, or is an item of demonstrable cultural value, should be on the seller (rather than government authorities).

9. In your view, which of the following, if any, ivory items should be exempt from any further regulations or guidelines regarding the re-export of worked ivory from the EU to countries outside the EU? (Select all that apply)

- Antique (pre-1947) worked items
- Musical instruments
- Small ivory items (e.g. weighing less than 200 grams)
- Items containing a small amount of ivory but not made completely of ivory (e.g. furniture with ivory inlay)
- Pre-Convention (acquired between 1947-1990) items
- Other items (please specify below)**
- None of the above – all ivory items should be restricted

If you selected "Other items", please specify here:

Re-export of 'worked' ivory from the EU to countries outside the EU should be banned, with two possible, narrow exemptions:

- antiques from before 1900, with documentation of provenance, that contain a *de minimus* amount of ivory, that have not been repaired with newer ivory, could be traded to and from the EU (ivory weighing less than 200 grams and amounting to less than 20% of the overall item);
- bona fide museums could be allowed to loan, exchange, receive donations and bequests, and display ivory, so they can preserve items of demonstrable cultural value for the benefit of the public. If museums wish to sell ivory, they should only be able to sell to other bona fide museums. Bona fide museums should fully comply with the 'museum' definition used by the International Council of Museums, with an additional requirement that the museums have been established for at least 10 years prior to its first attempt of procurement of ivory.

Many types of antique musical instrument would fall under the first of those exemptions (and they could also be acquired by museums), so there would be no need for a separate exemption for musical instruments.

Items of artistic, cultural or historic significance would be covered by the museum exemption and there would be no need for another exemption.

Any exemptions should only be allowed through a strict permitting system. The burden of proof to demonstrate that an item is an antique from before 1900 that has not been repaired with newer ivory, or is an item of demonstrable cultural value, should be on the seller (rather than government authorities).

10. In your view, which of the following, if any, ivory items should be exempt from further regulations or guidelines regarding the import of ivory to the EU from countries outside the EU? (Select all that apply)

- Antique (pre-1947) worked items
- Musical instruments
- Small ivory items (e.g. weighing less than 200 grams)
- Items containing a small amount of ivory but not made completely of ivory (e.g. furniture with ivory inlay)
- Hunting trophies
- Pre-Convention (acquired between 1947-1990) items
- Other items (please specify below)**
- None of the above – all ivory items should be restricted

If you selected "Other items", please specify here:

Import of 'worked' ivory to the EU from countries outside the EU should be banned, with two possible, narrow exemptions:

- antiques from before 1900, with documentation of provenance, that contain a *de minimus* amount of ivory, that have not been repaired with newer ivory, could be traded to and from the EU (ivory weighing less than 200 grams and amounting to less than 20% of the overall item);
- bona fide museums could be allowed to loan, exchange, receive donations and bequests, and display ivory, so they can preserve items of demonstrable cultural value for the benefit of the public. If museums wish to sell ivory, they should only be able to sell to other bona fide museums. Bona fide museums should fully comply with the 'museum' definition used by the International Council of Museums, with an additional requirement that the museums have been established for at least 10 years prior to its first attempt of procurement of ivory.

Many types of antique musical instrument would fall under the first of those exemptions (and they could also be acquired by museums), so there would be no need for a separate exemption for musical instruments.

Items of artistic, cultural or historic significance would be covered by the museum exemption and there would be no need for another exemption.

Any exemptions should only be allowed through a strict permitting system. The burden of proof to demonstrate that an item is an antique from before 1900 that has not been repaired with newer ivory, or is an item of demonstrable cultural value, should be on the seller (rather than government authorities).

11. What impact (e.g. financial, logistical, environmental) would possible further EU regulations or guidelines on import, re-export and/or intra-EU trade of ivory have on you or your organisation?

- Substantial negative impact
- Moderate negative impact
- No impact
- Moderate positive impact
- Substantial positive impact**
- Don't know/not applicable

Please provide any additional comments below:

We are convinced that a total ivory trade ban to/from/within the EU would have significant positive impacts in making enforcement easier, in reducing opportunities for corruption, and in enhancing global efforts to reduce demand for ivory and to combat ivory trafficking, ultimately reducing the elephant poaching crisis. WCS works to save wildlife, including elephants, and wild places around the world. A total ivory ban could therefore have substantial positive impacts on our field-based efforts to conserve elephants.

12. What impact would possible further EU restrictions on import, re-export and/or intra-EU trade of ivory have on elephant poaching and international illegal trade of ivory?

- Substantial negative impact
- Moderate negative impact
- No impact
- Moderate positive impact
- Substantial positive impact**
- Don't know/not applicable

Please provide any additional comments below:

A total ivory trade ban to/from/within the EU would have significant positive impacts on enforcement measures and global efforts to combat ivory trafficking as well as reduce demand for ivory, ultimately reducing the scale of the elephant poaching crisis. As concluded by UNODC: "ivory would lose much of its marketability if buying it were unequivocally an illegal act"¹. Therefore, by banning all ivory trade, the EU would send a strong and consistent message to the international community, including EU residents, that ivory is not a desirable product to own, which would reduce its marketability and social acceptability. Overall, this would reduce the opportunity for laundering of illegal ivory through legal markets, help reduce ivory demand in the EU and worldwide, and thus lessen the international illegal ivory trade and the poaching crisis.

Banning domestic ivory trade is not a complete answer to the poaching crisis, but is an indispensable component of the solution, along with enhanced efforts to reduce poaching, combat trafficking, and change buying behaviours in consumer States.

Closing down the EU's domestic ivory market would also lead to a strong reputational benefit to the EU in showing international leadership and substantially increase credibility and weight to its diplomatic work to combat trafficking and close down domestic ivory markets in countries where there are even stronger links to ivory trafficking and elephant poaching.

As stated by HRH Prince William, Duke of Cambridge, on 22 September 2016 at the Time for Change event organised by the Tusk Trust: "We have the chance to say that ivory is a symbol of destruction, not of luxury, and not something that anyone needs to buy or sell"². It is time for the EU to send the same message to the world.

1. UNODC (2010). *The globalization of crime: A transnational organized crime threat assessment*. Vienna, Austria: United Nations Office on Drugs and Crime. Available at <http://www.unodc.org/unodc/en/data-and-analysis/tocta-2010.html>.
2. Prince William: African elephants could be gone from the wild by the time Charlotte turns 25 (2016, September 22). *The Guardian*. Retrieved from <https://www.theguardian.com/environment/2016/sep/22/prince-william-african-elephants-could-be-gone-from-the-wild-by-the-time-charlotte-turns-25>

SECTION E - OTHER INFORMATION

1. Please provide details of any studies (published or ongoing) you are aware of relating to ivory trade relevant to the EU.

Please feel free to upload a concise document such as a position paper.

2. Are there any final comments relevant to this subject that you would like to convey?