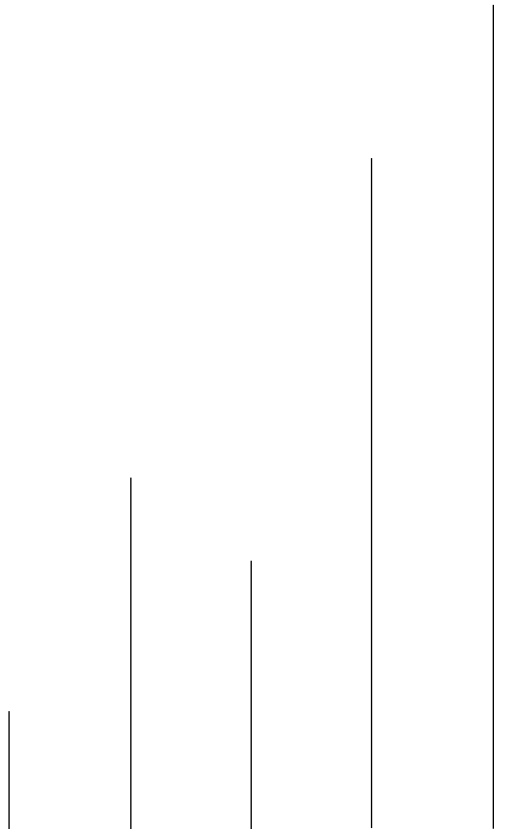


CITES and Environmental Protection in Austria: Essential Regulations



1. Protected Materials in Guitars

– What is CITES?

Many high-quality guitars contain woods such as **rosewood** or **mahogany** and decorations made from **ivory** or **tortoiseshell**, etc.. These materials partly originate from endangered animal and plant species and are therefore subject to the **CITES agreement** – the Washington Convention on International Trade in Endangered Species of Wild Fauna and Flora. The protected species are listed in three appendices (I, II, and III) of the agreement, with Appendix I imposing the strictest trade restrictions.

These regulations also apply in **Austria**, supplemented by **EU regulations** and national laws. The aim is to prevent the exploitation of endangered species through trade – including in musical instrument construction.

1.1 What to Consider

For musicians, CITES is especially relevant in the following situations:

- **When buying/selling used instruments:** Pay attention to whether protected woods or materials are used – especially in older or handmade models.
- **When traveling with the instrument:** For guitars containing CITES materials, a **permit** may be necessary.
- **When shipping abroad: Online trade** (e.g., via Reverb or eBay) is also subject to CITES regulations – violations can be costly.

Tip: Contact the relevant authorities for information. This will help you avoid legal issues and contributes to species protection.

2. CITES Lists and Their Significance

CITES distinguishes between three protection categories (“Appendices”):

- **Appendix I:** Species with the highest protection status (e.g., Brazilian rosewood; ivory)
 - Purchase/sale is generally **only** allowed with a CITES certificate.
 - Travel to non-EU countries is possible under certain conditions (see 3.2 MIC).
- **Appendix II:** Species with intermediate protection status (e.g., various mahogany species depending on origin; all rosewood species except Brazilian rosewood)
 - Exceptions exist for musical instruments, so relevance for guitars is limited.
- **Appendix III:** Species protected in at least one country and requiring international cooperation.
 - Mostly irrelevant for guitarists.

3. Application of CITES Rules to Guitars

3.1 Buying and Selling Instruments

- **Finished instruments made from Appendix II woods:** Since December 2019, finished musical instruments, parts, and accessories made from most Dalbergia species (except Dalbergia nigra/Brazilian rosewood) and Bubinga species are exempt from CITES permit requirements, as long as they are traded as end products and the weight of the protected wood does not exceed 10 kg per instrument^{[1][2]}.
- **Instruments with Appendix I materials:** For instruments with, e.g., Brazilian rosewood or ivory, strict permit requirements continue to apply. Trade is only possible with special CITES certificates. These certificates must always be issued in the name of the current or new owner.

3.2 Travel with Instruments

3.2.1 CITES Appendix I

For non-commercial trips (e.g., concerts, competitions), a so-called **Musical Instrument Certificate (MIC)** can be requested. To obtain an MIC, a valid CITES certificate is required! This allows for multiple cross-border trips with the instrument without needing a new permit for each trip^{[3][2]}.

3.2.2 Negative Certificate

A **negative certificate** is an official confirmation required in cases where protected materials have been incorporated. It proves that these materials were either acquired before species protection regulations came into effect or originate from legal trade. It requires an expert opinion or a "Declaration of Materials." It is especially recommended for **travel to the USA**, as US customs authorities enforce very strict controls and may request documentation even for non-protected materials^{[4][6]}.

In Austria, the negative certificate can be requested from the Federal Ministry of Agriculture, Regions and Tourism (BML) – usually based on a Declaration of Materials.

3.2.3 Customs

Anyone traveling with an instrument containing CITES materials or holding a CITES certificate must always go through the **red customs** channel upon entry and exit. All documents (CITES certificate, MIC, material declaration) must be presented proactively and re-stamped upon reentry to Austria to prove the instrument was only temporarily exported¹⁴.

Always carry copies of all documents and ensure proper stamping!

Disclaimer: Even if only the saddle of the instrument contains ivory, the entire instrument may be confiscated and potentially destroyed!

3.3 Owner Compared to Holder

Since 2017, it has been possible to include not only the owner but also the **holder** (e.g., in the case of loaned instruments) on CITES certificates. This facilitates the legal use and transport of instruments that do not belong to the traveler. The application may specify the name of the holder; the certificate will then be issued in their name.

4. Practical Implementation

4.1 Material Declarations

The “**Declaration of Materials**” is a written statement detailing the materials used in the instrument, especially concerning CITES-listed woods and animal products. It serves as proof during travel, sales, or inspections and is particularly useful when no CITES-regulated material is present.

Such a declaration can be issued by a certified string instrument maker, an expert, or the manufacturer. It should include a detailed list of all materials used (with scientific names), a statement regarding CITES-listed species, photos, year of construction, serial number, as well as the name and signature of the issuer.

Especially for travel, it is advisable to carry such a material declaration to quickly prove that no protected species were used. It is recognized as a helpful supporting document by Austrian authorities and customs^[4].

4.2 Expert Opinions for “Pre-Convention Instruments”

If there is uncertainty about the materials used, a certified expert (e.g., string instrument maker) should be consulted. An expert opinion can serve as proof for the authorities^{[4][6]}.

Definitions:

- **Pre-Convention:** Materials or instruments acquired before the protection status took effect (e.g., Brazilian rosewood before 20.07.1992).
- **Antique:** Instruments built before 03.03.1947 and not significantly altered since are considered antiques and, under certain conditions, are exempt from the CITES trade ban.

4.3 Applying for CITES Documents

Competent Authority: In Austria, the Federal Ministry of Agriculture, Regions and Tourism (BML) is responsible. Applications can be submitted online at www.cites.at^{[3][2]}.

- **Types of Applications:**
 - **Import/export permit:** For trade with non-EU countries.
 - **MIC (Musical Instrument Certificate – see 3.3):** For non-commercial travel.
 - **Marketing certificate:** For buying and selling within the EU involving Appendix I species.

4.3.1 Practical Help for Completing Forms

- **Permit/Certificate:** Always check the appropriate type of certificate (e.g., “Marketing certificate,” “Musical instrument certificate”).
- **Field 8 (in EU form):** Enter the scientific names of the species used as well as the trade name (e.g., “Dalbergia nigra – Brazilian rosewood”).
- **Description:** Provide a detailed description of the instrument, including photos and serial number.
Before submitting, attach all supporting documents (purchase receipts, expert opinions, photos) and ensure completeness!

4.4 Buying/Selling Used Instruments

When buying or selling used instruments:

- For **Appendix I** species, buying and selling is only allowed with a valid, personal CITES certificate.
 - Upon sale, the current owner must provide a valid certificate.
 - Upon purchase, a new certificate in the name of the new owner must be applied for, as CITES documents are non-transferable.
- For **Appendix II/III** species, no permit is required within the EU, but proof of legal origin is mandatory.
- **Musical Instrument Certificates (MICs)** are always issued to a person, not to the instrument. When purchased, the new owner must apply for their own MIC.

4.5 Replacing Protected Materials

Replacing protected materials (such as ivory, tortoiseshell) with legal alternatives (e.g., cattle bone, synthetic substitutes) is permitted and recommended. The replacement should be documented (photos, workshop invoice, material verification) to avoid future issues during trade or travel^[7].

5. Summary

- **Material Documentation:** It is advisable to maintain accurate documentation of materials used – including serial numbers, material details, and informative photos.
- **CITES Regulations:**

- For buying or selling finished instruments made from **Appendix I** woods, CITES compliance is mandatory!
- For buying or selling in non-EU countries involving finished instruments made from **Appendix II** woods, no CITES permit is needed, but proof of legal origin is required.
- For travel to third countries with instruments containing **Appendix I** materials, a Musical Instrument Certificate (MIC) is strongly recommended, e.g., to simplify customs checks.

6. Further Information and Contact Points

- **Official CITES website:** <https://cites.org/eng> ^[5]
- **Austrian CITES authority:** Federal Ministry of Agriculture, Regions and Tourism (www.cites.at)
- **Austrian Environment Agency:** www.umweltbundesamt.at

6.1 Direct Links to Applications

- **Austria:** CITES applications at www.cites.at/formulare/
- **Germany:** CITES applications at www.bfn.de/themen/cites/antraege-formulare.html

Note:

The regulations and authorities mentioned in this document refer to Austria. If you live in another country, please contact the CITES authority of your country, as implementation and enforcement are regulated nationally.

Note

This summary is based solely on the official information from the CITES website and the Austrian environmental protection authority, as well as the sources listed below. For specific cases or recent legal changes, direct contact with the responsible authorities is recommended^{[5][3][2][4]}.

No liability is assumed for the accuracy or correctness of this document.

Independent research is advised for validation.

Sources

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