



Notification Number: 2018/410/UK

The Ivory Bill.

Date received : 14/08/2018
End of Standstill : 22/08/2018
Invocation of the Emergency Procedure : Yes

Message

Message 001

Communication from the Commission - TRIS/(2018) 02234

Directive (EU) 2015/1535

Notificación - Oznámení - Notifikation - Notifizierung - Teavitamine - Γνωστοποίηση - Notification - Notification - Notifica - Pieteikums - Pranešimas - Bejelentés - Notifika - Kennisgeving - Zawiadomienie - Notificação - Hlásenie-Obvestilo - Ilmoitus - Anmälan - Нотификация : 2018/0410/UK - Notificare.

No abre el plazo - Nezahtuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Não inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - Не се предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201802234.EN)

1. Structured Information Line

MSG 001 IND 2018 0410 UK EN 14-08-2018 UK NOTIF

2. Member State

UK

3. Department Responsible

Department for Business, Energy and Industrial Strategy
Europe Directorate
1 Victoria Street
London, SW1H 0ET

Email: technicalregulations@beis.gov.uk

3. Originating Department

The Department for Environment, Food, and Rural Affairs ('Defra').



4. Notification Number

2018/0410/UK - S00E

5. Title

The Ivory Bill.

6. Products Concerned

(a) items made of elephant ivory; and (b) items that have elephant ivory in them.

7. Notification Under Another Act

- Although ivory items are not necessarily 'industrially manufactured products' for the purpose of Article 1(a) of Directive (EU) 2015/1535, Defra has chosen to notify the Commission of the Ivory Bill.

8. Main Content

Under the Ivory Bill, the UK seeks to prohibit the purchase, offer to purchase, any form of sale (this includes sale for money and sales in kind such as exchange or bartering) and offering for sale (which would include advertising, or causing an item to be advertised for sale and invitation to treat) and keeping for sale. There are five exemptions which would allow the above activities to occur, provided the person wanting to engage in a commercial dealing, either registers the item (preferably on an online database) or applies for an exemption certificate if the ivory item is of outstandingly high artistic, cultural or historical value.

The exemptions are that the ivory item is: (1) a pre-1918 ivory item of outstandingly artistic value and importance; (2) a pre-1918 portrait miniature which has the surface area of no more than 320 cm sq; (3) a pre-1947 de minimis item which contains less than 10% of ivory; (4) a pre-1975 musical instrument with less than 20% of ivory; or (5) an item which will be acquired by an accredited museum.

Commercial dealings concerning ivory items to, from and within the UK would be prohibited, unless the following two stage process has been satisfied:

- (i) the ivory item falls within one of the five exemptions mentioned above; and
- (ii) provisions in the Regulation 338/97 ('the Basic Regulation'), Regulation 865/2006 ('the Subsidiary Regulation') and related Regulations are complied with.

Other Member States would be expected to comply with the two stage process; therefore, future certificates and existing certificates (for example, those issued under Article 10 of the Basic Regulations) will only be accepted in respect of commercial dealings if an exemption has been met.

9. Brief Statement of Grounds

Under Article 193 of the Treaty of the Functioning of the European Union ('TFEU'), the UK has the right to adopt or maintain more stringent measures than those contained in the EU Wildlife Trade Regulations. In addition, Article 11(1) of the Basic Regulation recognises Article 193 TFEU, as Article 11(1) provides that without prejudice to stricter measures, Member States may adopt or maintain, permits and certificates issued by the competent authorities of the Member States in accordance with the Basic Regulation and these permits and certificates will be valid across the EU.



10. Reference Documents - Basic Texts

No Basic Text exists

11. Invocation of the Emergency Procedure

Yes

12. Grounds for the Emergency

Article 7.1(b) of the TSD provides that Articles 5 and 6 shall not apply to laws, regulations and administrative provisions of Member States by means of which Member States fulfill the obligations arising out of international agreements which result in the adoption of common technical specifications or rules on services in the Union.

The CITES Conference of the Parties issued a recent CoP17 decision that parties to the Convention should take necessary and legislative measures to close their domestic markets for the commercial trade in raw and worked ivory. The Ivory Bill fulfills the obligation in Article 7.1(b) as it includes measures which implement the objective of the CoP17 decision.

13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Yes

16. TBT and SPS aspects

TBT aspect

No - The draft has no significant impact on international trade

SPS aspect

No - The draft has no significant impact on international trade

European Commission

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