



Ivory: regulations surrounding possession and trade in Switzerland

Background:

CITES (Convention on international Trade in endangered Species of wild Flora and Fauna) is a treaty that governs the trade of the animal and plant species listed within it and products derived from them. "Trade" in the sense of CITES describes any transportation across a national border; this can also be for private purposes.

The trade in ivory from elephants is currently prohibited, with a small number of clearly defined exceptions. Sadly, elephant poaching for the illegal ivory trade remains a problem and elephant populations in many areas are continuing to decline. This varies greatly, however, and certain populations are remaining stable or even increasing, such as the population in South Africa. There are also differences with regard to protection status. The Asian elephant (*Elephas maximus*) is listed under Appendix I of CITES, the strictest protection category. When it comes to African elephants (*Loxodonta africana*) however, the populations of Botswana, Namibia, South Africa and Zimbabwe are listed under Appendix II of CITES and the trade of certain products is permitted. The remaining populations are listed under Appendix I, whereby CITES only permits trade in a small number of cases. One of these exceptions is the export of hunting trophies. There are a few countries, where elephant populations are stable or growing, which have been granted a permitted export quota deemed to be sustainable by a scientific committee. Another exception is the import and export of what are referred to as "pre-Convention" specimens. These are specimens that were taken from the wild before the CITES convention came into force.

All 183 members (as of 2021) that have signed the treaty must abide by its regulations. However, they may also enforce stricter national laws and implementations. Few products listed under CITES are more clearly impacted by this than ivory from elephants.

Most people understand that ivory is problematic, and we often hear that it is "forbidden". But what does that mean exactly? Can you own or buy ivory? When is it legal and when is it forbidden? Is purchasing or owning it a criminal offence?

In this document, we will explain how it is treated in Switzerland and what our country's laws are on this issue. We will also try to answer the most frequently asked questions. We can only make definitive statements regarding how ivory is handled in Switzerland. For regulations in other countries, please contact the relevant authorities.



The term “ivory”

When we talk about ivory, we are most often referring to elephants' tusks. However, ivory is also found in many other animals, such as in the tusks and teeth of narwhals, hippopotamuses and walruses. The canine teeth of the warthog and the teeth of sperm whales and orcas also contain ivory. Apart from the warthog, all of these animal species come under the CITES regulations.

Even the tusks of the long-extinct mammoth are made from ivory. Importing this kind of ivory does not require a permit. The CITES Control Ordinance states that only products made from ivory of species listed in the CITES Appendices must be controlled.

Legal bases and implementation in Switzerland

The possession, transfer, sale and import and export of ivory in Switzerland are governed by the Federal Act CITES ([FA-CITES SR: 453](#)), as well as the Ordinance on the Trade in Protected Animal and Plant Species ([O-CITES SR: 453.0](#)) and the FDHA Ordinance on the Control of the Trade in Protected Animal and Plant Species ([CITES Control Ordinance SR: 453.1](#)).

Regulations within Switzerland:

The possession, acquisition and transfer of CITES specimens (living animals and plants and products derived from them) within Switzerland are governed by Article 10 of the Federal Act CITES:

Art. 10 Proof of origin

¹ *Anyone who owns specimens of species named in Appendices I-III of CITES must possess documents that enable the verification of the origin and source of the specimens and the legality of their trade.*

² *Anyone who transfers such specimens must provide the recipient with the documentation described in paragraph 1.*

Specifically, this means that the transfer (sale, inheritance and gifting) of ivory within Switzerland is only permitted if the legal origin of the ivory can be proven. It also states that the new owner must be given all information regarding the origin of the specimen in writing. However, official transfer documents do not exist and are not issued by the FSVO.

The legal origin is deemed proven if

- a) official documents are available that prove that the ivory was imported into Switzerland before 1975, or
- b) the ivory has pre-Convention specimen status (= dates back to before 1975) confirmed by an expert (in antiques for example) or through age analysis
- c) the ivory was imported into Switzerland with a pre-Convention certificate
- d) the ivory was imported into Switzerland as personal property during a relocation and this can be proven with a relocation list stamped by customs. The legal origin of the ivory must be proven for this exception to apply, and in such cases the FSVO may verify the legal origin at any time.

Anyone who transfers ivory within Switzerland without the proof of origin prescribed by law has therefore breached CITES regulations.



Ivory for which there is no documentation of legal origin may be surrendered to the FSVO. It will then be used for training and exhibitions regarding the protection of these species.

Regulations for international trade

Export:

The legal origin of the specimens must also be proven when transferring ivory abroad. A CITES re-export certificate or pre-Convention certificate may only be applied for from the FSVO if the origin can be traced with certainty. The form for this can be found on our [homepage](#).

With regard to the import regulations in the destination country, the purchaser/recipient abroad must request information from the respective authorities in their country. Certain countries have forbidden the import of ivory entirely and others have stricter national regulations.

The FSVO will check these applications and decide on a case-by-case basis, based on various criteria and risk analyses, whether export is permitted.

Import:

Anyone who wishes to import ivory into Switzerland requires an import permit from the FSVO. This will only be issued if there is a copy of the export permit or re-export certificate from the country of origin. The completed [application form](#) can be submitted via e-mail with a copy of the foreign permit.

Special case – pianos with ivory keys:

The keys of older pianos are often covered with ivory. Their import and export is permitted under the criteria listed above. If it is being imported or exported as part of a relocation, the piano must be listed on the relocation list and presented to customs. The legal origin must be verifiable. For pianos, the year of manufacture along with the model and a serial number will normally be sufficient to determine this.

For all other imports and exports, the documents listed above are required.

Special case – musical instruments with ivory components:

Anyone who owns a musical instrument that contains ivory components and regularly travels with it can apply for a “[Musical instrument Certificate](#)” for trips abroad. The criteria for this are those listed above with regard to proving the legality of the material.

Illegal trade of ivory in Switzerland

Ivory that is imported illegally or is in Switzerland illegally may be seized by the FSVO. The illegal trade in ivory is a criminal offence under FA-CITES and will be legally prosecuted.