

CONVENTION ON INTERNATIONAL TRADE IN ENDANGERED SPECIES  
OF WILD FAUNA AND FLORA

---

Thirteenth meeting of the Conference of the Parties  
Bangkok (Thailand), 2-14 October 2004

PROPOSAL TO AMEND APPENDICES I AND II

A. Proposal

Amendment of the annotation for Helioporidae spp., Tubiporidae spp., Scleractinia spp., Milleporidae spp. and Styasteridae spp. to read:

Fossils, namely all categories of coral rock, except live rock (meaning pieces of coral rock to which are attached live specimens of invertebrate species and coralline algae not included in the Appendices and which are transported moist, but not in water, in crates) are not subject to the provisions of the Convention.

B. Proponent

Switzerland as Depositary Government, at the request of the Animals Committee.

C. Supporting Statement

1. Decision 12.62 tasked the Animals Committee to '*consider and recommend a practical means of distinguishing fossilized corals from non-fossilized corals in international trade, and provide a report at the 13th meeting of the Conference of the Parties*'. AC 19 established an inter-sessional working group to as a means of taking the work forward inter-sessionally.
2. At the 20<sup>th</sup> meeting of the Animals Committee, the working group considered various approaches to defining and distinguishing fossilised corals in trade suggested by Parties and NGOs. These approaches typically, but not exclusively, focused on an approach to considering fossils as being dead, permanently buried and which may, or may not, be mineralogically altered / lithified.
3. Despite the variety of approaches suggested to the group however, no consensus was possible on a definition of fossil corals that satisfied the range of interests represented on the group. Moreover, the group considered that none of the suggested approaches offered a solution that would provide unambiguous guidance to CITES authorities. In the absence of consensus, the working group looked to alternative approaches to providing the Convention with a pragmatic approach to determining what constituted a fossil coral, based on the definitions contained in Res. Conf. 11.10 (Rev. Cop12) and the annotations in the CITES Appendices. Ultimately, the group considered that an amendment to the annotation which exempts fossil corals from the provisions of the Convention offered the best approach to achieving a workable conclusion. This amendment would have the practical result of exempting from the provisions of CITES all coral rock (other than live rock) and all coral substrate, but would retain live rock under the purview of the Convention. In other words, those examples of coral rock in trade that had no impact on coral reefs (namely coral rock taken from land) or had minimal impact (coral substrate), would be exempt from CITES controls. However, live rock, whose removal may potentially have the greatest impact on coral reefs, would be retained under the regulation of the Convention and its export would be governed by the provisions of Part X of Res. Conf. 12.3.
4. It was considered that this approach would enable all those involved in the trade and its regulation to be clear about which specimens in trade were, or were not, exempt from CITES controls. This

approach could also be supported by a contribution to the identification manual describing the various types of specimens likely to be encountered by enforcement officials.

5. However, the group noted that inevitably cultured live rock, namely live rock derived from coral deposits on land and moved to the seabed to enable their colonisation by non-CITES invertebrates, would be subject to CITES control. The group noted that such cultured live rock could be marked to identify it in trade and that the export of such material could readily be permitted by CITES authorities without affecting the role that coral rock has in the ecosystem. Artificial live rock, made of moulded cement and then placed on the seabed, would clearly not be covered by the Convention even though it may contain ground up coral fragments and is readily distinguished from genuine live rock by enforcement officials. Finally, the group considered the implications of this approach for the movement of geological specimens containing coral for either scientific study or for the fossil trade. The group felt that such specimens would generally fall under the categories of coral rock exempted as fossils.
6. As a result, the recommendations of the working group concerning practical means of distinguishing fossilized corals from non-fossilized corals in international trade, was adopted at AC20 by the Animals Committee and is submitted by the Depository at the request of the Animals Committee to this CoP. as an amendment to the Appendices.